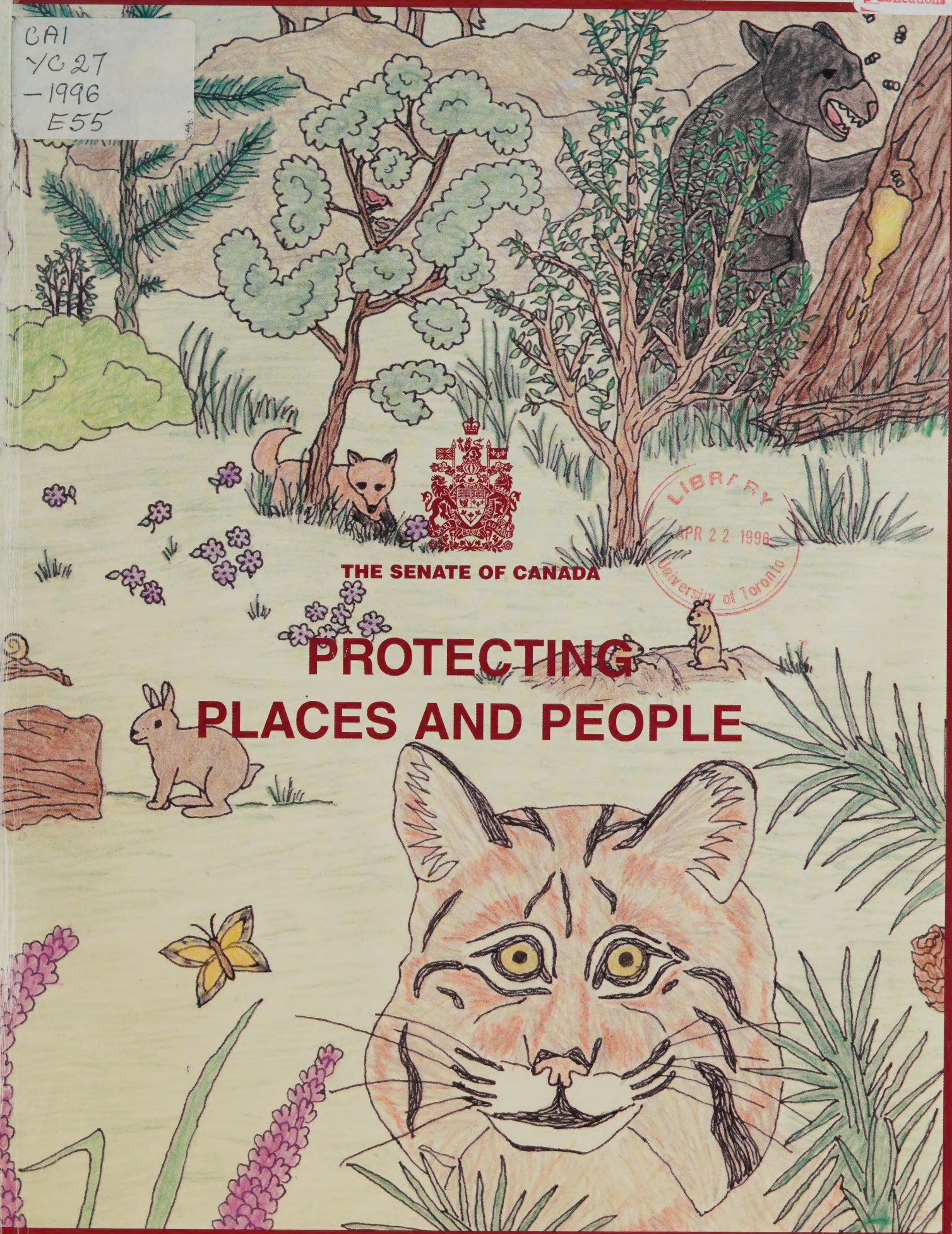
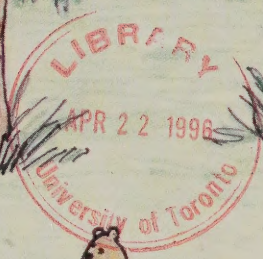


CAI  
YC 27  
-1996  
E55



THE SENATE OF CANADA



# PROTECTING PLACES AND PEOPLE



COVER: Drawing by Christine Buchkowski  
of E.D. Feehan High School,  
Saskatoon, Saskatchewan.  
Christine won second place in the  
Grades 10-12 category of the 1995  
Canadian Coalition for Biodiversity  
poster contest.



THE SENATE OF CANADA

# **PROTECTING PLACES AND PEOPLE : CONSERVING CANADA'S NATURAL HERITAGE**

**Report of the  
Standing Senate Committee on  
Energy, the Environment and Natural Resources**

**Chair  
The Honourable Pat Carney, P.C.**

**Deputy Chairman  
The Honourable Colin Kenny**

**February 1996**





## MEMBERSHIP

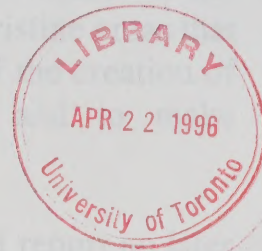
### STANDING SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES

The Honourable Pat Carney, P.C., Chair

The Honourable Colin Kenny, Deputy Chairman

#### The Honourable Senators:

- Willie Adams
- Jack Austin, P.C.
- Lise Bacon
- John Buchanan, P.C.
- Pat Carney, P.C. (Chair)
- \* Joyce Fairbairn (or Alasdair Graham)
- Ronald Ghitter
- Janis Johnson
- Daniel Hays
- Colin Kenny (Deputy Chairman)
- \* John Lynch-Staunton (or Eric Arthur Berntson)
- Pierre Claude Nolin
- Gerald R. Ottenheimer
- Mira Spivak
- \* *Ex Officio* Members



NOTE: The Honourable Senators Balfour, Forrestall, Haidasz and Oliver also served on the Committee.

#### Research Staff:

- Mr. Kevin McNamee, Canadian Nature Federation
- Ms. Lynne Myers, Library of Parliament, Research Branch
- Ms. Susie Washington, Western Environmental and Social Trends
- Ms. Janice Whitters, Assistant to the Committee

Line Gravel  
*Clerk of the Committee*

Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto



## ORDER OF REFERENCE

Extract from the *Minutes of the Proceedings of the Senate* of Wednesday, April 27, 1994:

The Honourable Senator Kenny for the Honourable Senator Carney, P.C., moved, seconded by the Honourable Senator Stewart:

That the Standing Senate Committee on Energy, the Environment and Natural Resources be authorized to undertake a study of the Policy options available to the government to complete the network of pristine areas that represent Canada's natural regions and of the creation of a National Protected Areas Strategy and to make recommendations thereon; and

That the Committee present its final report no later than March 31, 1995.

After debate,

The question being put on the motion, it was adopted.

Paul C. Bélisle  
*Clerk of the Senate*

---

\* By order of the Senate dated November 29, 1994, the date of tabling the final report was extended to June 29, 1995. By order of the Senate dated May 2, 1995, the date of tabling the final report was extended to March 31, 1996.





## TABLE OF CONTENTS

FOREWORD .....	1
RECOMMENDATIONS .....	3
INTRODUCTION .....	7
BACKGROUND ON PROTECTED AREAS IN CANADA .....	7
SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES .....	8
PURPOSE OF THIS REPORT .....	9
WHY DO WE NEED A STRATEGY NOW ? .....	9
CHAPTER 1: COMMITTEE SITE VISITS .....	11
THE PRAIRIES .....	11
Protected Areas Management Issues .....	11
Local Involvement in Decision-Making .....	13
The Need for Certainty .....	14
Protection of Private Lands .....	15
Vision and Role of a Protected Area .....	16
BRITISH COLUMBIA .....	18
Williams Lake .....	18
A. The CORE Process in the Cariboo-Chilcotin .....	19
B. The Chilko-Lake Study Group .....	20
Pacific Rim National Park Reserve .....	21
A. Ucluelet .....	22
B. Tofino .....	22
NOVA SCOTIA .....	24
Halifax .....	24
Annapolis Royal .....	26
Kejimikujik National Park .....	28
Port Joli .....	29
Tobeatic Candidate Protected Area .....	30
SUMMARY .....	31
CHAPTER 2: A STRATEGIC FRAMEWORK .....	33
THE CHALLENGES .....	33
THE RECOMMENDATIONS .....	34
Recommendation #1 .....	35
CHAPTER 3: PEOPLE AND PROTECTED AREAS .....	37
THE CHALLENGE .....	37
PARTNERSHIPS AND COLLABORATION .....	37
PUBLIC INVOLVEMENT .....	38
UNCERTAINTY BREEDS CONFLICT .....	39
CONFLICT MANAGEMENT .....	39

Recommendation #2 .....	41
Recommendation #3 .....	42
CHAPTER 4: RESOURCES FOR PROTECTED AREAS .....	43
THE CHALLENGES .....	43
MORE EFFECTIVE USE OF FEDERAL SPENDING FOR NEW PROTECTED AREAS .....	44
Recommendation #4 .....	44
Recommendation #5 .....	45
Recommendation #6 .....	46
THE NORTHERN CHALLENGE .....	46
Recommendation #7 .....	46
PRIVATE LANDOWNERS AND PROTECTED AREAS .....	47
Recommendation #8 .....	48
Recommendation #9 .....	48
Recommendation #10 .....	49
Recommendation #11 .....	49
VOLUNTEERS, NON-GOVERNMENT ORGANIZATIONS AND PROTECTED AREAS .....	50
Recommendation #12 .....	51
Recommendation #13 .....	52
CHAPTER 5: INTERIM PROTECTION MEASURES FOR CANDIDATE SITES .....	53
THE CHALLENGE .....	53
TOOLS FOR INTERIM PROTECTION .....	55
Recommendation #14 .....	55
Recommendation #15 .....	56
Recommendation #16 .....	56
CHAPTER 6: JOB CONVERSION STRATEGIES FOR PROTECTED AREAS .....	57
THE CHALLENGE .....	57
Recommendation #17 .....	60
Recommendation #18 .....	60
CHAPTER 7: NATIVE PEOPLE AND PROTECTED AREAS .....	61
THE CHALLENGE .....	61
PROTECTED AREAS LAND MANAGEMENT .....	63
Recommendation #19 .....	64
Recommendation #20 .....	64
CHAPTER 8: THE NEXT STEPS .....	65
GLOSSARY .....	79



APPENDIX A .....	83
INDEX OF DOCUMENTS RECEIVED .....	83
APPENDIX B .....	95
LIST OF PARTICIPANTS WHO ADDRESSED THE SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES .....	95
APPENDIX C .....	107
REGIONAL DISCUSSIONS ISSUE MATRIX .....	107
APPENDIX D .....	111
LIST OF WITNESSES .....	111
APPENDIX E .....	115
THE TAX TREATMENT OF DONATIONS OF ECOLOGICALLY SENSITIVE LAND .....	115





## FOREWORD

We piled off the bus into the basement meeting room of Pincher Creek's Municipal District office building and Reeve George Huddlestun called the meeting to order by asking us blunt questions: "Who are you? What are you doing here? And why are you meeting with us?" he said, indicating the group of ranchers, townspeople and municipal councillors gathered around the table.

We were members of the Senate Standing Committee on Energy, the Environment and Natural Resources looking at ways to attain the federal goal of preserving and protecting at least 12 percent of Canada in its natural state. And we were in Pincher Creek to talk to local people -- chosen by local Parks Canada officials to represent community interests -- and to hear their views on how we can best meet our international commitments to complete Canada's protected area system. Those views are contained in this report, the second phase of our work.

In order to hear first hand about the impact of protected areas on local communities, the Committee travelled from the crowded highways and hotels of Banff, Alberta to Val Marie, Saskatchewan, where the local grocery store closed two years ago and the nearest motel is 55 km from Canada's best kept secret, Grassland's National Park, on whose tawny ranges the deer and the antelope still play. We also visited Williams Lake, Ucluelet, Tofino and Port Alberni in British Columbia; Waterton and Cardston in Alberta; Port Joli, Annapolis Royal and Halifax, Nova Scotia.

We are all stewards of land, we were told, no matter how we wish to use it or protect it. We dedicate our report to you who took the time to meet with us and share your experiences, opinions, expertise and advice. The information you provided was invaluable in the preparation of this report, which, we hope, will help answer Reeve Huddlestun's questions.

To my fellow Committee members I extend my thanks for persevering through the long but illuminating trips by airplane, ferry, bus and landrover to different parts of the country and through the hearings to the finalization of this report.

On behalf of all Committee members I would like to thank our consultants, Kevin McNamee, for his input to the study and to the organization of the site visits; Susie Washington, who wrote much of the report, assisted by Wendy Francis; and Cameron Crowell, for his assistance during the Nova Scotia visit. I also want to thank Lynne Myers, our research director from the Research Branch of the Library of Parliament for her help at all stages of the study; and Janice Whitters, the Assistant to the Committee, for keeping things going in Ottawa while the Committee was on the road.

Our thanks also go to June Murray of the Research Branch, Library of Parliament for so capably editing the English version of this report, and to Andre Savaria, Director of the Secretariat of State, and his staff of translators and editors for their professional work in

producing the French version. A special thanks is also due to Line Gravel, the Clerk of the Committee, and her staff, for their usual excellent work in organizing the affairs of the Committee and making sure we were all "on the bus" when it was time to go.

Senator Pat Carney, P.C.  
Chair  
February 1996



## **RECOMMENDATIONS**

The Senate Committee on Energy, the Environment and Natural Resources set itself the task of identifying strategies that could enhance the rate of progress and facilitate success in what has become a race against time. Through publication of this report, the Committee presents the advice and experience of hundreds of Canadians, who brought many years, and sometimes lifetimes, of experience and dedication to our collective deliberations. Accordingly, the Committee is satisfied that its recommendations are both practical and practicable and will win the support of all Canadians.

### **Recommendation #1**

The federal government should use the next meeting of the Canadian Parks Ministers' Council as a forum to create a national strategy and action plan for protected areas.

### **Recommendation #2**

Citizen advisory groups should be established for parks and protected areas.

### **Recommendation #3**

Parks Canada should take advantage of the electronic information highway and other new communication tools; for example, a home page on the World Wide Web could be created for the National Protected Areas Strategy.

### **Recommendation #4**

Parks Canada should be encouraged to work further with non-government organizations to offset acquisition costs of future national parks.

### **Recommendation #5**

Parks Canada should refine its National Business Plan to include a program of incentives that would encourage employees to seek ways to save money and promote revenue generation in parks, while still meeting public interest objectives regarding protected areas.

### **Recommendation #6**

If governments choose to become involved in direct fundraising for charitable purposes, such as acquiring, maintaining and/or operating protected areas, they must ensure that their activities are supportive of, and not in competition with, similar activities by local non-government organizations.

**Recommendation #7**

The Department of Indian Affairs and Northern Development and Parks Canada must work together closely to enhance the network of protected areas in northern Canada and to eliminate potential policy conflict.

**Recommendation #8**

The federal Finance Minister and the Minister of Canadian Heritage should work with conservation groups, local landowners and the private sector to create comprehensive strategies for:

- ▶ protecting ecologically significant natural features at risk on private lands; and
- ▶ funding the acquisition of private land within the proposed boundaries of national parks.

**Recommendation #9**

At the provincial level, governments should work with non-government organizations and others to develop a range of incentives and programs to encourage private landowners to conserve their properties and to choose the form of conservation agreement or covenant that best serves their needs.

**Recommendation #10**

The federal Minister of Agriculture should review departmental policies and programs to ensure that they encourage, rather than discourage, the protection of ecologically sensitive lands.

**Recommendation #11**

All governments in Canada, in concert with non-governmental organizations, should jointly coordinate and support a public awareness program for protected areas.

**Recommendation #12**

Protected area agencies should identify projects that require outside funding and volunteers to assist them in acquiring candidate sites and in management programs where insufficient government funds are available.

**Recommendation #13**

Volunteers should be trained to free experienced park personnel from more routine tasks such as clearing trails and clearing litter from beaches, and, where possible, to augment professional expertise in a protected area.

**Recommendation #14**

Parks Canada should be given the power to impose interim protection measures on candidate sites for national parks on federal land.

**Recommendation #15**

The federal government, through its participation in the Canadian Parks Ministers' Council and the Mines Ministers' Council, should ensure that the content and application of interim protection measures are consistent across jurisdictions and are widely communicated to industry and other interests.

**Recommendation #16**

Organizations that represent the Canadian resource sector, such as the Mining Association of Canada, the Canadian Coal Association, the Canadian Forestry Association, and the Canadian Association of Petroleum Producers, should be encouraged to work with governments and conservation groups to ensure that protected areas plans, candidate sites, and interim protection measures are more clearly communicated and understood by their members and the general public.

**Recommendation #17**

As a priority, the federal government should legislate the boundaries of Grasslands National Park, and begin work with Saskatchewan on a regional economic strategy to help the western part of the province take full advantages of the presence of the Park. Yearly targets should be set in order to measure progress.

**Recommendation #18**

The federal government should sponsor creation of a fund, derived from governments and industries, to offset the negative effects on employment from the creation of a protected area.

**Recommendation #19**

The federal government must work in a more collaborative way with native people in addressing protected areas issues of mutual concern. Measures to promote this goal should include:

- ▶ establishment of a formal network of communication with native organizations and communities to discuss protected area issues;
- ▶ ensuring that federal claims negotiators work with their provincial counterparts and native organizations to facilitate creation of new protected areas;
- ▶ establish pilot projects to test the concept of tribal or native heritage parks.



**Recommendation #20**

Canadian universities, community colleges, private foundations and public sector unions should examine how they can promote, support, and fund programs to assist individual native people and communities in developing the necessary skills and opportunities to administer and manage protected areas.

## INTRODUCTION

### BACKGROUND ON PROTECTED AREAS IN CANADA

Canada has a long tradition of protecting scenic and significant landscapes. It was in 1885 that the first lands in the Canadian Rockies were set aside for Banff National Park. Ontario established Algonquin Provincial Park in 1883, and Laurentides Provincial Park was created in Quebec in 1895. Over the next one hundred years, parks were established across the country, for a variety of reasons and in a piecemeal fashion. In the late 1980s, a sequence of events triggered a fundamental shift toward a more comprehensive approach to the establishment of protected areas.

In 1987, the landmark report of the U.N. Commission on Environment and Development (the Bruntland Commission) called on all countries to contribute to worldwide tripling of the area of land managed exclusively for the protection of ecosystems and species. The World Wildlife Fund Canada and the Canadian Parks and Wilderness Society responded in 1989 with the Endangered Spaces Campaign. It called on the federal, provincial and territorial governments to complete a protected areas network, representative of Canada's 400 natural regions, by the year 2000. All levels of government and 600,000 Canadians have since endorsed this goal and in 1991, Canada's parliamentarians, through a unanimous motion in the House of Commons, expressed their support. The federal government is committed to protecting representative samples of each of the country's natural regions, amounting to 12 percent of Canada.

As the next step towards reaching these goals, in 1992 all Canadian Ministers of Environment, Parks and Wildlife endorsed a commitment to complete Canada's network of protected areas. Through this accord, governments agreed to:

- ▶ complete Canada's network of protected areas representing its land-based natural regions by the year 2000;
- ▶ accelerate the protection of areas representative of Canada's marine natural regions;
- ▶ accelerate the identification of Canada's critical wildlife habitat;
- ▶ adopt frameworks, strategies, and time-frames for the completion of protected area networks;
- ▶ continue to cooperate in the protection of ecosystems, landscapes and wildlife habitat; and
- ▶ ensure that protected areas are integral components of all sustainable development strategies.

On December 4, 1992, several weeks after making this comprehensive commitment at the national level, Canada became the first country to ratify the United Nations Convention on Biological Diversity, thereby making a further pledge to conserve the planet's animal and plant life and to maintain their habitats. All signatories to this global agreement have undertaken to



establish a system of protected areas or sites where special measures will be put in place to conserve biological diversity.

## **SENATE COMMITTEE ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES**

The Standing Senate Committee on Energy, the Environment and Natural Resources has been an active participant in furthering the goals set out by Canadian Ministers of Environment, Parks and Wildlife. In 1992, the Committee, in Phase I of its work, commissioned a study to identify the range of issues that must be addressed if Canada is to meet its commitments to complete a national network of protected areas.

On April 27, 1994, Phase II of the study was designed to identify and focus in greater detail on the obstacles to be overcome and opportunities to be exploited in completing a protected areas network. We went on to develop a number of recommendations on an appropriate strategy for completion of a national network of protected areas. This report marks the end of this phase of the Committee's work.

Canadians from all walks of life participated in Phase II of the Senate Committee's work. Individuals and organizations made their contributions in a variety of ways:

- ▶ 108 oral presentations were made to the committee (Appendix A);
- ▶ 91 written documents were tabled with the committee (Appendix B);
- ▶ discussions were held in and near protected areas in different parts of the country to provide an independent source of public input on specific issue areas (Appendix C).

The Committee felt that these site visits were so valuable that a detailed report of each visit is included as Chapter 1 of this report.

In the regional discussions and through presentations in Ottawa, the Committee identified strong support for completion of a network of representative protected areas across Canada. However, there is confusion about what constitutes a protected area and what kinds of activities are permissible within such areas. Thus, there is a broadly based call for clarification about managing land use in and adjacent to protected areas. There also is agreement that during periods of fiscal constraint governments need to increase opportunities for public activism into developing and managing protected areas.

Most importantly, representations to the Committee underlined the urgent need for action in order to meet Canada's international commitment to protected areas. It is essential for governments to think and act creatively if Canada is to meet its goal by the year 2000.

## **PURPOSE OF THIS REPORT**

The Committee's work has been to identify the steps necessary to establish and expand an integrated national network of protected areas, representative of Canada's land and marine territory, by the year 2000. The outcome of the Committee's work, contained in this report, is a definition of tools and processes for developing a national strategy to select and designate protected areas in Canada. It is intended that this report will stimulate a national approach that will:

- ▶ provide a common vision of protected areas across the country, clear principles for planning, consistent criteria for selection of candidate sites, and comparable decision-making processes;
- ▶ address economic effects as well as ecological factors before designation or proclamation decisions are made;
- ▶ allow for the active participation of all interested parties in decision-making processes for protected areas;
- ▶ create inducements and incentives for business, the non-profit sector, and members of the general public to contribute private lands for protected areas; and
- ▶ support aboriginal peoples' rights to continue their traditional use of the land and encourage their active support for the conservation of protected areas.

## **WHY DO WE NEED A STRATEGY NOW ?**

Canada is a leader in protecting significant scenic, recreational and ecologically important lands, at both the federal and provincial levels. So far, Canada's advantage has been its ability to achieve a workable balance between the needs of economic development and those of land conservation. However, while existing protected areas meet many of our aesthetic, ecological and recreational needs, it is well-recognized that the protected areas network must be expanded if the goals of representing each natural region and preserving biological diversity are to be met. It is also clear that emerging land-use conflicts in high-use areas are beginning to endanger the traditional balance between protection and development.

Changes to expand and enhance our existing pattern of protected areas are badly needed. For example, 517,542 square kilometres of Canada's land base are considered to be protected by parks, wilderness areas, wildlife refuges, and other forms of land protection; however, this amounts to only 5.2 percent of the land base and fully represents only 20 of Canada's 400 different natural regions. Another 160 natural regions are only partially represented in existing protected areas, while 220 of Canada's natural regions are not represented in protected areas at all.

Further, many areas considered to be protected are not preserving the land and its inhabitants adequately. For example, in Banff National Park, \$500 million of commercial development since 1992 is threatening the integrity of the Banff ecosystem and the wildlife



species that depend on it. Clearly, a significant allocation of resources, and a commitment to the ideals of protection, are necessary if Canada is to meet its international obligations and also give full expression to Canadians' desire to protect their diverse landscapes.

However, the demands for resources necessary to meet our desires and obligations for protected areas come at precisely the time when debts, deficits, social priorities and other valid concerns are dominating the public agenda. Therefore, there is a great need for governments and the governed to achieve innovative solutions and to foster a collaboration in which creativity can flourish.

All governments in Canada -- provincial, territorial and federal -- already have processes in place for identifying and establishing protected areas. In fact, many jurisdictions have passed new legislation, established new parks and reserves, conducted land trades to protect habitat, and are working with business interests and individual landowners to acquire conservation areas. However, these activities have not been well coordinated between jurisdictions and, in consequence, there is much uncertainty regarding protected areas and land use.

Another challenge to progress on the protected areas agenda is uncertainty over the meaning of "protection." Canadian jurisdictions recognize 52 different categories of protected areas. They also differ as to the types of human activities they either permit or prohibit in those areas.

The huge potential for contributions from non-government sources is of special importance at this time of tightly constrained government resources. Whether in the form of voluntarism, cash or land donations from private citizens and corporations, this dimension of public participation has been largely untapped, except for policy inputs from conservation and environmental groups. A notable exception is the outstanding contributions of organizations such as the Nature Conservancy of Canada, whose land acquisition programs have been instrumental in saving unique landscapes and endangered species. Better use should be made of such initiatives.

In summary, the current approach to protected areas, although very effective in some respects, is incomplete and fragmented. Clearly a creative, efficient and effective course of action must be adopted that will allow all interested parties to contribute to and benefit from a national network of protected areas.

## **CHAPTER 1: COMMITTEE SITE VISITS**

### **THE PRAIRIES**

For its first site trip on October 17 to 22, 1994, the Committee travelled to two protected sites in Alberta -- Banff and Waterton Lakes National Parks -- and to Grasslands National Park in Saskatchewan. The Committee visited Banff because it is the site of Canada's first national park and a World Heritage Site, and is also an area experiencing conflicts related to the balancing of resource conservation and tourism-development interests.

Waterton Lakes National Park, an International Peace Park along with Glacier National Park in Montana, is younger and less developed. This area demonstrates the need for protected areas to be well managed after they are established, and for managers to work closely with their neighbours. The park, recently designated as a World Heritage Site, is also a UNESCO biosphere reserve that is a forum in which the park representatives and local landowners can discuss management issues.

Grasslands National Park is very new and is, in fact, waiting to be officially legislated as a national park. A visit to this, one of Canada's most endangered ecosystems, allowed the Committee to examine issues related to emerging protected areas. Grasslands still requires additional federal funding in order to complete land acquisition, and to develop tourism and management plans that will allow local people both to derive some economic benefit from the park, and to address a number of regional management issues. Our travel also included extensive informal meetings with local residents, business people, ranchers and other interested parties.

### **Protected Areas Management Issues**

Two separate groups of concerns related to protected area management practices and policies were brought to the Committee's attention during the trip. One group, which was raised mainly, but not exclusively, by people in and around Banff National Park, centred on the issue of development within a protected area. The second group of concerns dealt with issues such as grazing, hunting, weed and grass control and logging in and around a protected area.

As Canada's oldest national park, Banff has had many years of use. It is an extremely popular destination, thanks to its great natural beauty and easy accessibility. The Trans Canada Highway and the Canadian Pacific Railway pass right through the Park, which, the Committee heard, over four million people per year now visit. With so many visitors there is an equally large, and growing, demand for services such as accommodation, meals, shopping, outfitting and guiding. The town of Banff is struggling with this growth, as the site is physically limited. Until recently, development in the town was regulated by Parks Canada; now the town is more autonomous, with its own elected mayor and council.



The Committee met with Leslie Taylor, the first mayor of Banff, and discussed the problems faced by the town. The challenge is for the elected officials to resolve the conflict between the demands for growth and the physical limits to growth imposed by the fact that the town is in a National Park and already occupies as much of the floor of the Bow Valley as conservationists and Parks officials feel is proper. Any further expansion across the valley floor or up the mountain slopes would impede the migration of wildlife which the Park is supposed to protect. As the mayor told the Committee, careful planning to manage the kind and pace of development in the town will be necessary to maintain a viable community and avoid it from becoming just a "big roofless shopping mall in the forest."

Development elsewhere in the Park was also discussed with several witnesses during our visit. The question of how much development of facilities such as ski resorts, golf courses, hotels and convention centres should be allowed in a National Park was discussed. Business people involved in such enterprises feel that once they have been allowed to operate in a protected area, they should be able to expand as demand grows, in order to remain economically viable. There is also recognition that, at some point it is necessary to halt development in order to preserve habitat, wildlife, and the natural beauty that makes the park so attractive. A witness from CP Hotels noted that his company would agree to a cap on future developments within the Banff and Lake Louise areas, once it completes its current expansion plans.

Several environmentalists feel that development in Banff National Park has already gone too far. They noted the documented disappearance of certain habitat vital to the preservation of wildlife in the Bow Valley, the migration route for much of the local wildlife. The presence of two highways, a river and a railway in the rather narrow Bow Valley was pointed to as a serious concern, which would only be exacerbated by expansion. Parks Canada staff, who acted as host to the Committee during this trip, are faced with the difficult mandate of balancing these contradictory demands.

In an effort to shed light on the cumulative impact of existing and proposed development on the Banff/Bow Valley corridor, the federal government has established a Task Force charged with bringing together the various interests in the valley and if possible come up with a better management scheme. "Sustainable tourism," in which tourism and ecological preservation are integrated, is the goal. The Committee met with members of the Task Force and discussed their mandate. A secondary goal of the Task Force, which is of special interest to this Committee, is the development of a generic methodology for future management planning. Such a methodology could find application in other protected areas with a similar need for balance between development and conservation.

The second group of "management concerns" about which the Committee heard came from those neighbouring a protected area (Waterton Lakes and Grasslands Parks), rather than from those living and/or doing business within it. The Committee got the clear message that in order for a protected area not just to survive, but to thrive, the co-operation of neighbouring landowners is essential. The wildlife protected within a park, for example, does not recognize a park boundary drawn on a map. Many species roam freely from protected area to ranch, and

back, on a regular basis. In addition, certain management practices that might make sense within a protected area, can trouble the neighbours.

The Committee heard, for instance, that ranchers operating adjacent to Waterton Lakes National Park fear that the policy of allowing the grass to grow long within the Park poses a fire hazard to their land. Many such witnesses, near both Waterton Lakes and Grasslands Parks, expressed the opinion that such fears could be minimized if the Parks would change their policy which forbids grazing by cattle within the Park. Especially in the case of Grasslands Park, some evidence indicates that limited grazing should not only be allowed, but should be adopted as a sound management practice. The grasslands that the Park seeks to preserve need to be grazed periodically to maintain them "in their natural state." Left to grow, a different ecosystem would evolve and the rare short grass prairie would be lost. Park officials at Grasslands assured the Committee that this issue was being examined closely as they prepare a long-term management plan for the Park.

The Committee also heard that some local people do not agree with the restrictions on hunting within a National Park. They feel that a certain amount of hunting would ensure that deer and elk populations, for example, did not grow so large within the Park that they threatened the viability of neighbouring ranches on to which they wander in search of food. The idea of controlled hunting of these species was raised by a number of witnesses.

There was a similar concern among Parks' neighbours that increasing numbers of carnivores (especially wolves and grizzly bears) within the Parks threaten their livestock. In Alberta, the provincial government has just removed compensation payments to ranchers for livestock killed by wolves and bears, heightening the ranchers' concerns. We did hear from the Alberta office of the Nature Conservancy of Canada that several conservation groups, working with Parks Canada, have established a fund to cover such incidents. Money for the fund is solicited from members of the public, especially those who support the increased protection of the carnivores. While this may help the situation, a number of ranchers explained the difficulties in proving that their cattle have been killed by a carnivore, so that they can qualify for compensation. They remain concerned about how their livelihood might be affected by increased numbers of bears and wolves in protected areas.

### **Local Involvement in Decision-Making**

During its trip to the Prairies sites, the Committee heard one message above all others. In the creation of new protected areas and in the management of those already existing, local people must be involved in the decision-making process. Without their on-going support, protected areas cannot be sustained. These areas do not exist in isolation, but are intimately connected to adjacent privately held lands. The way in which that surrounding land is used has a great impact on the protected area, and vice versa.



Numerous witnesses told us that they did not want distant bureaucrats making decisions affecting their land and their livelihood. They want to be consulted and to have some control over what happens. The Superintendent of Banff National Park told the Committee that he, too, considers it essential to find mechanisms to allow all parties to work together to resolve conflicting demands.

The Committee also heard from a number of people that a management plan dealing simply with the protected area is not likely to be successful in promoting the necessary co-operation within the adjacent region. Again, mechanisms must be found to include local people in planning for the integration of social, economic and environmental issues. The Committee did see a number of examples of such efforts while in the west. For example, in its study, the Banff/Bow Valley Task Force is looking at the Bow River Valley within the Park and is attempting to solicit provincial cooperation for the rest of the valley. Even this level of regional integration is seen as too limited by some. For example, it was noted that the Task Force must be careful not to offer solutions that relieve development pressures in the town of Banff (e.g., by restricting housing construction), only to move the problems down the highway to Canmore.

The Committee encountered other mechanisms for ensuring local input, such as the Waterton Park Community Association, where people resident in the town are working on park management plans with Parks Canada officials; the Trail of the Great Bear group, which is hoping to educate people to look at the whole region as an integrated unit, rather than just the area within Park boundaries, while diverting some of the tourism pressure from the Parks themselves; the Castle Crown Wilderness Coalition, which is promoting a joint federal/provincial and municipal study to identify what sort of economic development is compatible with preserving ecosystems and what steps must be taken to achieve it; and the Grasslands Park Advisory Committee, which includes members of the local community who are working with Park officials to develop a long-range plan for the Park and the surrounding area.

Of special interest to this Committee as we continue our work on a national protected area strategy, was one witness's comment that in this country wherever protection and development come into conflict, the issue is "fought to the death" on an individual basis. This could be avoided, he asserted, if Canada had a clear strategy for protected areas. We hope that our study will move us closer to that reality.

### **The Need for Certainty**

Is Grasslands a National Park or not? That is the question the Committee heard from members of Val Marie, Saskatchewan, the local community near Grasslands National Park. The question arises because, although the federal and the Saskatchewan governments have signed an understanding to create a national park near Val Marie, the necessary legislation has yet to be put in place. The land for the park is being acquired on the basis of willing buyer - willing seller, so assembling all the land for the proposed park has been rather slow.



The people of Val Marie and area feel very strongly that, now that 50 percent of the land has been acquired, the site should be officially proclaimed a national park. They need this reassurance of the official commitment to the Park before any related economic development will go ahead. The local people feel that once the Park is proclaimed, the business community will be much more likely to invest in their region. Once the Park becomes better known, the people coming to the area will need accommodation, food, and other services. There is potential non-farming income for local residents in these new enterprises or in the bed and breakfast or ranch holiday trade.

Grasslands was not the only area in which the Committee heard about the need for certainty. In Banff National Park, people involved in the recreation business, such as the owners of Sunshine Village, told the Committee of their frustration with the constantly changing rules regarding development within the park. They do not feel that it is fair to businesses to change the rules half-way through a project. They feel that, in some cases, restrictions on expanding development will make it impossible for them to remain in business at all. To operate effectively, business people need the certainty of rules and regulations that, once complied with, will not be changed for that particular development. The process of environmental assessment, for example, has been up in the air for the last five or six years, according to one witness. It now seems to be settling down, and since the coming into force of the new *Canadian Environmental Assessment Act* in January 1995, the situation is beginning to stabilize.

### **Protection of Private Lands**

The Committee heard a great deal about the need to find mechanisms to allow concerned landowners to ensure that their land will be protected and conserved after they are gone. We heard, for instance, that at present certain tax laws (i.e. capital gains) act to prohibit people from donating land for protected areas. If a landowner wishes to make such a donation, he or she must pay a capital gain on what would have been the market value of the land if it had been sold. The Committee heard from a number of witnesses that changes in this area would be most helpful in extending the amount of land in protected status.

A second mechanism described and which sounds very promising is conservation easement. Such an easement could, for example, be used by a rancher whose property borders a park and who has been ranching in a way that sustains the land and contributes to the viability of the park. Such a person who wants to sell his land, but retain the same land use patterns and relationship with the protected area, could put a conservation easement on the property which would be binding on the buyer. In this way, private land that is being conserved would continue to be protected. The Alberta office of the Nature Conservancy of Canada is one group working to bring this mechanism into effect. British Columbia has already moved on this issue and in the next year or so a number of other provinces will be introducing legislation to enhance mechanisms for protecting private lands.

The issue of protecting private land also led to some discussion of the impact of rising real estate prices near some protected areas. The natural beauty of places such as Waterton Lakes National Park attracts many who would like to live in the area and enjoy the beauty on a more permanent basis. This leads to a demand for land which, in turn, drives up prices. As one witness told the Committee, prices are getting so high that one can barely afford to ranch any more. Land that, based on its agricultural potential, might sell for \$800 an acre, can be sold to a developer for \$2,500 or more an acre. It is not hard to see why ranchers feel that their way of life is threatened.

Passing on farm land from one generation to another becomes more problematic as land prices rise, given the tax implications noted already. It also becomes impossible for anyone new to buy into ranching if land prices go out of sight. Some ranchers suggested to the Committee that they may need the umbrella of a "protected area" designation to allow them to keep ranching the land as they now do, in a way that is beneficial to the viability of the Park and its wildlife.

One local initiative that has created such a situation is the Park Vicinity Protection Zone created by the Municipal District of Pincher Creek. A by-law has limited land use in the protection zone around the park since the late 1970s. It has managed, to date, to maintain the ranches near the Park in their traditional land use pattern. At present there is considerable controversy in the community about whether or not this by-law should stand. Some feel strongly that it is needed to preserve the ranches in the area, while others feel that the improved tax base that development in the zone would provide, is needed to improve the economic prospects of the district. Clearly this debate will go on as people search for a compromise. It is an issue that the Committee will bear in mind as its study of the completion of our system of national protected areas continues.

## **Vision and Role of a Protected Area**

During its trip, the Committee heard from several sources about the importance of a clear statement of the vision for any protected area. This vision, and the role the protected area is expected to play should, ideally, be expressed when the area is first set aside. According to some of those we met, that vision, and that role, should not be changed over the years, but should remain as the foundation for development and use of the area.

In Banff, it seems that much of the current conflict between development and conservation arises from differing views of the role of this protected area, and the changes to the expectations for the Park over the years. Does the Park exist to protect wilderness and allow limited access or is it there to be enjoyed by as many people as possible, in any way they may desire, including skiing and playing golf? The Banff/Bow Valley Task Force has set, as its first objective, formulation of a statement of the vision and goals for the area, recognizing that getting agreement on this from all parties involved is an essential first step towards recommendations for the future of the area.

The Committee heard a number of views on roles for protected areas, including the preservation of biodiversity, the protection of endangered species and the education of the public on the importance of these undertakings. As one person told the Committee, having the opportunity to visit wilderness areas in person may "instill in us all a moral sense of obligation to protect the world."



## **BRITISH COLUMBIA**

In March 1995, the Committee travelled to two very different sites in British Columbia. The first site was Williams Lake, in the Cariboo-Chilcotin area of the B.C. interior; here the Committee heard about the successful process through which representatives of local groups, individuals and government departments, together known as the Chilko Lake Study Team, reached a consensus on a land use plan that included a large protected area and several special management zones. One of the outcomes of the process was the creation of Ts'ylos Provincial Park, in early 1994. The Committee also heard about people's experiences with the B.C. government's CORE (Commission on Resources and the Environment) land use planning process in the same region.

The second site visited was the Pacific Rim National Park Reserve, where the Committee learned about the issues raised when the Park was created in the early 1970s and about ongoing concerns related to protecting local land. This region has experienced a great deal of conflict in recent years between pro-development and pro-conservation factions and so the Committee had a first hand look at the complexity of issues, such as those with respect to Clayoquot Sound, and the solutions proposed.

Also of interest to the Committee is the fact that Pacific Rim is part of the ongoing land claim discussions between the government and local native bands. Members had an opportunity to discuss a number of related issues with both government officials and representatives from the local native council. The Committee benefited a great deal from not only the site visits, but also from many informal meetings with local residents, politicians, businessmen, environmentalists and native leaders.

### **Williams Lake**

In the community of Williams Lake, the Committee met with people who had been involved with two different land use planning exercises within the Cariboo-Chilcotin region. Since the Committee is studying ways in which the federal government can fulfil its undertaking to complete a national protected areas network, we wanted to hear these groups' experiences in formulating land use plans that include protected areas. In both cases, their advice to the Committee can be summed up in four words - direction, ditches, deadlines and decisions.

The "direction" must come from governments and must be clear. Governments should clearly enunciate their objectives with regard to protected areas. For example, the B.C. government and the federal government have both stated that they want eventually to set aside a representative sample of all natural habitats, amounting to about 12 percent of the area, as protected areas. Clear goals for other sectors, such as forestry and mining, should also be part of the direction given to planners.

"Ditches" refers to the need for those involved in the planning process to identify its limits at the outset. Which topics are to be discussed and which are outside the scope of the process? What is the specific area to be studied and who will take part in the process? What constitutes a "consensus" (i.e., 100 percent agreement, majority, etc.)? Answers to such questions are needed at the beginning of the process to keep participants on the same track.

The third "D" is deadlines. The planning process must not go on forever. There must be a deadline built in to the terms of reference of any land-use planning exercise. Thus progress will be encouraged and a fourth important "D," "decisions," can be reached.

### **A. The CORE Process in the Cariboo-Chilcotin**

The first group of people the Committee met in Williams Lake had been involved in the B.C. government's CORE process to develop the Cariboo-Chilcotin Land Use Plan. They told the Committee that new protected areas should not be identified or established in isolation; they must be identified in the framework of a land use plan for the entire region. Other interests in the region have to be taken into account, and it is absolutely essential that local people, who will have to live with them, make the decisions.

This does not imply that governments can abrogate their decision-making authority. It was, for example, the B.C. government that made the decision to protect 12 percent of the province's land within some form of protected area. The CORE process was put in place to give local people the task of deciding which lands would be protected. The acceptance of those affected is essential to the plan's successful implementation.

The CORE process ran into some difficulties in its early stages because, while the B.C. government had a "hard" commitment to preserving the 12 percent, it had only a "soft" commitment to dealing with the impact of this policy. It was not until more recently, when the Forest Renewal Fund was set up, that this missing policy "direction" was supplied, and progress was made. Similarly, the new Forestry Practices Code, which affects zones outside protected areas, gave the CORE process a framework (some "ditches") for planning in those areas. The long-term land use plan along with the Code also gave the forestry and mining industries what they absolutely need, and that is some certainty for the future.

The Committee also heard that, in carrying out a land use planning process, it is important to have a scientifically sound information database for the area being studied. All parties to the discussion can thus become well informed about all the issues and possibilities facing a region. The interim protection of potential protected areas was also seen as important. A prohibition on the "talk and log" approach was seen by some as critical in getting companies and other interested parties talking.

Another point stressed with the Committee was the importance of special management zones adjoining protected areas. This was a message the Committee had also heard in its visit to Prairie sites in October 1994. A protected area cannot survive on its own, as an isolated



entity. Flora and fauna, watercourses and scenic outlooks do not confine themselves to park boundaries; adjoining areas play an important role in keeping the protected area healthy and vibrant. The planning process must take this into account.

A final question the Committee raised with this group related to the contribution envisioned for the federal government in the creation of protected areas in this province. The use of money from the federal infrastructure program was one suggestion. A second recommendation was that Parks Canada should improve its relationship with local people, so that the federal presence would be more welcomed and appreciated in the region. Finally, the federal government was seen as having an important role in promoting and coordinating interprovincial co-operation on issues relating to protected areas and the development of natural resource economies.

## **B. The Chilko-Lake Study Group**

In the early 1980s, the area around Chilko Lake was deferred from timber development, as the provincial government was deciding on exactly where it would locate a provincial park. This non-decision was unsatisfactory for both the logging concerns who held licences in the area and those wanting to see a park established. The provincial government decided to use the area as a pilot project for the implementation of its *Parks Plan for the 1990s*, whose aim was to make the creation of parks a land use decision, and not a Parks Department decision.

As with the CORE process, those who took part in the Chilko Lake Study Group told the Committee that it was essential to involve all the parties who would be affected by the land use decisions. Only with a high degree of local involvement and satisfaction with the outcome can a land use plan be successfully implemented.

One important function of the consultation process was that it allowed all to communicate their viewpoint and have an opportunity to discuss it with others. As one person said, it was important at the outset for everyone to know where the other guy was coming from. According to those who led the study group, the process saw a great deal of give and take on all sides with regard to setting boundaries within the various land use zones, including the protected areas. Mining and logging concerns, and the desires and concerns of local native bands were considered, as well as the Parks Department objectives for establishing a protected area.

The study group proudly told the Committee that the process had been carried out and a consensus reached without the need for costly government financial support. Furthermore, a great deal of goodwill seems to have resulted; when the plan was finally taken to Victoria for "approval" five members of the public had accompanied government officials to support the findings. Thanks to the success of the Chilko Lake Study Group, Ts'ylos Provincial Park was created in 1994. Logging and mining interests in the area now have a clear framework within which to plan and operate, and another natural region has been protected. The members of this group who met with the Committee agreed, although not in these words, that direction, ditches



and deadlines are needed for the successful development of comprehensive land use plans. The completion of a national system of protected areas will rely on the wise application of the same principles.

### **Pacific Rim National Park Reserve**

A federal-provincial agreement to create Pacific Rim National Park was signed in 1970. The park was declared a "national park reserve" in the late 1980s because of unresolved native lands claims. Despite being operated as a national park for over two decades, the area is still not formally protected under the *National Parks Act*, although this formal designation may be made in the near future. In its meeting with officials of Parks Canada, the Committee was briefed on several issues that concern Park staff: threats to the park's ecological integrity; visitor use; aboriginal issues; and finances.

Pacific Rim National Park Reserve consists of three discernable blocks of land: the Long Beach area abutting Clayoquot Sound; the Broken Islands Group; and the West Coast Trail section. The park is a long, linear protected area, a strip of wilderness on the west coast of Vancouver Island. Its boundaries do not reflect the ecological realities of the area. Hence, Parks Canada officials depend heavily on the cooperation of adjacent landowners. The fragmentation of forest habitat outside the park is affecting the park's water quality and wildlife. Fortunately, recent land use decisions to protect areas such as the Walbran Valley and Upper Carmanah will help the park. Parks Canada is trying to work with forest companies in the development of their five-year plans, with the B.C. Forest Service, and through the model forest.

The growing popularity of Pacific Rim National Park Reserve, particularly the West Coast Trail, has forced Parks Canada to place limits on the number of trail visitors. It is also considering placing limits on the number of visitors to the Broken Islands section of the park. In addition, it has set a limit on the amount of land to be developed for parking in the Long Beach area. The park has found it necessary to limit both to reduce the impact of visitors on the natural environment, and to maintain a high quality experience for those visitors.

There are 21 reserves and 16 native bands in and around Pacific Rim. Traditionally, aboriginal people have been inadequately involved in the administration of the park. Parks Canada is now working with them to address their land claim through the use of interim agreements, specific claim agreements, and through the broader provincial treaty negotiations. A central issue is the development of a co-management arrangement for park lands.

The Committee learned that it costs Parks Canada almost \$3.2 million to operate the park annually, and the Superintendent is hoping that in several years 50 percent of this amount will be raised locally through the implementation of the National Business Plan. To offset reduced allocations to the park, Parks Canada is looking at: reducing operational costs on roads and

campgrounds and increasing revenues through slightly higher campground, parking and hiking user fees.

### **A. Ucluelet**

As well as visiting the Pacific Rim National Park Reserve, the Committee met with a number of residents and local officials in the two towns that bracket the Long Beach portion of the park, Ucluelet and Tofino. Both communities have been through a number of "processes" regarding protected areas. For example, they have been part of the CORE process to develop the Vancouver Island Land Use Plan and the Clayoquot Sound Development Task Force.

Some of those with whom the Committee met in Ucluelet expressed frustration with the fact that these efforts did not seem to have brought the desired stability to their area. They attributed this to the fact that they had not always known why the process was being undertaken. The question of "What are we trying to preserve here?" had not been answered at the start of any process (no "direction"). It was also stated that the federal and provincial governments had not articulated a clear strategy of where they were going on the issue of protected areas. As a result, many local residents did not feel any "ownership" in the solutions proposed. Uncertainty and some bitterness remain.

Also, it seemed to some that the push for changes and decisions was coming from outside, rather than inside, the community. The issues to be discussed and resolved were not always clearly defined (no "ditches") and so resolution was difficult. The Committee also heard, as it has in other site visits, that when a new protected area is created, a comprehensive socio-economic analysis of its impact is essential. A job conversion strategy is needed to deal with the resulting changes.

One witness cautioned the Committee that protected areas should not be created on the basis of emotion, but rather on scientific evidence that the area encompasses a unique habitat that warrants protection. When asked about developing an effective process for establishing new protected areas, this person listed the following criteria: (1) allow an opportunity for the participation of all interested and affected parties; (2) set a time line (deadlines); (3) set parameters (ditches); (4) let local people determine the process; (5) ensure that governments not abrogate their responsibilities for making policy decisions (directions, decisions); and (6) build in economic considerations (develop a realistic job conversion strategy).

### **B. Tofino**

People from Tofino expressed many of the same concerns as those from Ucluelet over the impact of protected areas on their community. They stressed that the town depends on three sectors for its economic well-being: fisheries, forestry and tourism (for example, there are 400,000 visitors every year to the area). All three sectors are needed for the town to survive

and prosper. The balance between jobs and the environment is delicate. As one environmentalist reminded the Committee, however, we must now think of jobs **and** the environment, not jobs **or** the environment.

Protected areas will play an important role in promoting tourism in the area, but, the Committee was told, the protected area must be considered in the context of 100 percent of the landscape. It does no good to protect 12 percent of the land and trash the rest. Clearly, "protection" extends beyond park boundaries. At the same time, the Committee heard from members of the logging community that they need a comprehensive plan that lets them know with some certainty about their future access to timber. If decisions are not made on land use, they cannot plan several years ahead, as they would prefer. With all of the recent studies in the region, they claim to have been reduced to a six-month planning period.

This need for certainty was a common theme of many who addressed the Committee, from local businessmen, to logging companies, to environmentalists. It was reiterated that governments must play a leadership role in promoting a decision (direction), but not in imposing one; that should be left to those affected by the final decisions.



## **NOVA SCOTIA**

The Committee made its third site visit, to Nova Scotia, in May 1995. We visited Halifax, Annapolis Royal, Kejimikujik National Park, the Tobeatic Candidate Protected Area, the Port Joli Migratory Bird Sanctuary and the Thomas R. Raddall Provincial Park. In addition, Committee members met with a wide variety of government officials, local conservation groups and representatives from the mining and forestry communities to discuss issues related to protected areas in Nova Scotia.

The protection of additional land in Nova Scotia presents a unique set of circumstances. In this province, unlike most others, the Crown retains ownership of only a small fraction of the land. In fact, 75% of all land in Nova Scotia is privately owned. In addition, the long history of human settlement in Nova Scotia has resulted in a landscape with relatively few "pristine" areas. In light of these facts, the province has recognized the urgency of taking action to protect areas and has developed a strategy for doing so.

### **Halifax**

The Committee very much appreciated the opportunity to meet in Halifax with the Hon. Doug Downe, Minister of Natural Resources, whose department is responsible for developing and implementing this strategy. The Minister was accompanied by a senior official from his department who helped explain the development of the provincial protected areas strategy and the process being followed to implement it. Members also met with the Chair and one member of the Public Review Committee established to hear public comments on Nova Scotia's Protected Areas Plan and to make recommendations on how to implement it.

As already noted, the Crown in Nova Scotia holds only about 25 percent of the land. The protected area strategy deals only with that 25 percent. The first step taken in developing the strategy was to set out criteria according to which areas would be proposed for protection. It was decided that such areas must be chosen with the aim of having representation from as many of the province's 77 ecosystems as possible. Secondly, the areas must possess outstanding natural elements, and thirdly, they must have potential for wildland recreation.

At the outset, 866 areas were identified as meeting the basic criteria. From this number, 74 areas were chosen for more detailed study, and from this group, 31 sites were identified as candidate protected areas. Pending a decision on the protection of these sites, interim protection measures were applied to protect their natural values. The candidate sites represent a significant commitment to protected areas on behalf of the provincial government, since they cover 27 percent of all Crown Land. The Committee was told that, if all candidate sites are eventually protected, it would move the provincial total to 8 percent protected space. Clearly, the cooperation of private landowners will be needed to reach the Bruntland Commission objective of protection of 12 percent of the land mass.

At the beginning of the process, the Department of Natural Resources published a document outlining in detail the need for protected areas and the process by which candidate sites had been chosen. Reasons for selecting each site were given in clear and concise language. The document was published in a newspaper format and was circulated widely throughout the province. A Public Review Committee was then established and given the task of holding hearings throughout the province to ensure public input to the process.

Virtually without exception, people with whom the Committee met in Nova Scotia applauded the government's efforts to ensure that the public was well informed about the plans and had an opportunity to participate fully in the process of commenting on candidate sites. According to the two members of the Public Review Committee we met, the process worked well in allaying many public fears with regard to the protected areas initiative. They had met with over 250 people in 13 different communities throughout the province.

Since the Committee's visit, the Public Review Committee has finished its work and submitted its report to the Minister. In that report, it recommend that all 31 candidate sites be protected. The government has accepted the recommendation and is proceeding to design its protected area strategy. It is expected that this step will be completed early in 1996, after which implementation can begin.

The biggest single question raised by members of the public was that of access to protected areas by local people. Unlike some other provinces, proposed protected areas in Nova Scotia are not large, remote stretches of wilderness. Rather they tend to be relatively small and in the "backyards" of many Nova Scotians. People here have a very close attachment to the land and feared that the designation of an area as "protected" would take something away from them. They wanted to know why specific areas would be protected, as well as for whom and from whom they were being protected. They did not want to lose access to their traditional recreation areas in order to provide a wilderness experience for CFAs (come-from-aways, or non-Nova Scotians). Many wanted the assurance that they would still be able to hunt, fish, hike and/or snowmobile as they have always done.

The Public Review Committee had been surprised not to hear more from the forestry sector. In general, industry representatives appear to support the concept of protected areas, although they do not always agree on the amount of protection that is appropriate. Their main concern is access to timber, especially in the Tobeatic area, which the Senate Committee also visited. The public did level a good deal of criticism at the forestry practices of the major pulp and paper companies and many called for stricter regulation in this regard.

Representatives of the mining sector, who were more active in the public review process, recommended that a cost/benefit analysis be done in proposed protected areas with mineral potential. For example, they noted that jobs lost in mining should be taken into account when deciding on whether to protect an area.



The review committee also heard that while the protected areas strategy is land-based, there is a similar need to protect important marine sites. This would require federal-provincial cooperation, given the respective jurisdictions in offshore areas. It is felt that action here is urgent. Many small islands with unique habitats are already being purchased by foreigners and so are being quickly removed from the list of possible protected areas.

Another theme discussed with the Public Review Committee was the willingness, even eagerness, of people to be involved with protected areas. Many reported that government funding cut-backs meant there was a great need for local people to be pressed into volunteer service in everything from planning to monitoring and acting as stewards of protected areas. As at other sites visited by the Senate Committee in its study, the essential role of local people in the viability of a protected area system was emphasized.

Interim protection measures were also discussed with the Minister and officials in Halifax. All agreed, as had the public during the review process, that such measures are essential, especially in a province like Nova Scotia where the possible candidate sites for protection are relatively limited. No development is permitted in any of the 31 candidate protected areas at this time.

## **Annapolis Royal**

Meetings were held in Annapolis Royal, since this community is close to both the Kejimikujik National Park and the proposed Tobeatic Wilderness area. In general, the groups and individuals with whom the Committee met had taken part in the Public Review Committee hearings and their views on many issues are reflected in the above section.

As an example, the committee met with representatives of the Tobeatic Wilderness Committee, a coalition of conservation groups that want to protect the Tobeatic Wilderness from all development. They informed the Committee of their support for the government's proposal for the area and their concerns that logging in the Tobeatic, which abuts Kejimikujik National Park, could have serious ecological consequences for that Park. Many of the rivers flowing through the Park originate in a disputed part of the Tobeatic Wilderness known as "the Finger." As the name might suggest, it is a long narrow piece of land; it is situated to the north of the National Park.

The Tobeatic Wilderness Committee wants "the Finger" included in the protected area. The Bowater-Mersey Paper Company, which holds a licence for the area, wants access to the timber there. At the moment, the Finger is included in the moratorium on development as an interim protection measure. The government has said that the Finger will be included in the wilderness area if alternative timber sites can be found to replace what would be taken away from Bowater-Mersey if its licence was revoked.



This group and others in Annapolis Royal told the Committee that protecting the Tobeatic Wilderness is crucial because it is one of the largest single wilderness areas left in Nova Scotia. In fact, together with the area protected within the adjoining National Park, this region represents the largest remaining tract of wilderness in the Maritimes. The federal government was urged to become involved in discussions on the fate of the Finger area because, as noted above, conservationists believe logging there could adversely affect the ecological integrity of the National Park. Also cited were a number of studies by Parks Canada that raised concerns over the logging of lands immediately adjacent to the park boundary.

Other local groups who met with the Committee echoed the sentiments of the Tobeatic Wilderness Committee and raised the issue of traditional uses of protected areas. Members of the Digby Fish and Game Association, for example, wants the Tobeatic preserved as a wilderness with limited access, by hikers and backpackers. They do not want to see logging in the area and warned of the danger to wildlife and its habitat when roads are built to foster any sort of development. They do believe the pristine nature of the area can be preserved and used "wisely" and that such use would include hunting and fishing.

The Senate Committee is looking for examples of successful processes for protecting natural areas. In Annapolis Royal, we heard of one such effort. The CARP (Clean Annapolis River Project) was begun in 1990 by community members after their request to have the Annapolis River declared a Heritage River had been turned down on the grounds that the river was too polluted and too developed to warrant "preservation."

The local community decided at that point that only action at the local level would save the river and so began a series of demonstration projects, including the clean up and restoration of river frontage and steps to improve water quality. Members of the group feel that their river guardians program, which involves sampling, public education and monitoring of events on the river, has given local people a feeling of responsibility for the health of the river. Local naturalists have been pressed into service to develop and set up interpretive trails, and a local group is working to take over responsibility for a small wildlife park that the province had been going to close for financial reasons. The importance of local input and "ownership" of protected areas is one that the Committee has heard repeatedly during its travel to other parts of the country.

The Committee was advised that in looking at a national protected areas strategy it should urge the government to take a long-term, rather than short-term, view of the costs and benefits. We were told to look on the strategy as an investment in jobs in the eco-tourism field, which is a growing sector of the economy. The future looks very good for this industry and we should be sure that we preserve the "tourist habitat," which will become priceless in an increasingly crowded world.

Another issue touched on in this series of meetings was the importance of involving private landowners in protecting sensitive areas. This is vital in Nova Scotia where 75 percent

of the land is privately owned. Stewardship programs and government policies (such as tax treatment) that promote protection of private land were mentioned briefly.

## **Kejimikujik National Park**

Land for Kejimikujik National Park was assembled from Crown land by land exchanges and expropriation by the provincial government in the early 1960s. Expropriation, which is no longer used in creating national parks, is thought to have been responsible in many cases for a certain resentment towards Parks Canada and for some local negative reaction to the notion of protected areas. The park was opened in 1969, and protected as a provincial game reserve until it was officially made a park under the *National Parks Act* in 1974. In 1988, the Kejimikujik Seaside Adjunct was added to the national park system.

The area covered by the park was home to the Micmac Indians and includes many petroglyphs and other archaeological sites. European settlers came to the area in the early 1800s looking primarily for wood products for the sailing industry. Logging went on until the area was made a park, when Parks officials decided that they wanted to avoid the overdevelopment problems being experienced in some other national parks. There are no through roads in the park, and no accommodation other than outdoor camping. Kejimikujik is designed to provide a healthy, outdoor family vacation and this day remains a wilderness park.

One issue discussed with the Senate Committee in other parts of the country was the economic spin-offs for local communities when a national park is created. In this case, because of the nature of the Park, its 200,000 annual visitors tend to come and stay only in the Park, where they spend an average of just \$40 per day. Most of these people are seeking a wilderness experience and do not spend any subsequent time in surrounding communities.

The Park warden and his staff outlined for the Committee the current challenges for the Park. Many of them resemble those facing other parks we have visited during the course of our study, while others are unique. The challenges are:

- ▶ the Tobeatic Wilderness: It is new for Parks Canada to be so involved in the creation of a protected area outside its own jurisdiction. It usually does not focus on things happening outside the park; in this case, it made a submission to the Public Review Committee;
- ▶ improving relationships with adjacent landowners, given the importance of surrounding habitat to the ecological survival of the Park;
- ▶ gaining greater involvement of the native community in the operation of the park;
- ▶ finding ways to promote greater public awareness of the benefits of National Parks and protected heritage areas;
- ▶ becoming more involved in cooperative activities related to research and monitoring as federal money becomes more scarce;



- ▶ operating in a more businesslike manner (with respect to issues of revenue retention, operational efficiency etc);
- ▶ continuing (especially in light of financial constraints) to provide the high level of service visitors have come to expect;
- ▶ as a government agency, assuming more of a leadership role in speaking to issues of environment and ecosystem integrity;
- ▶ providing a basic level of service at the Seaside Adjunct, while maintaining its pristine nature; and
- ▶ meeting the objectives of Parks Canada's business plan (i.e., increasing revenues, more efficient operations).

The Committee discussed how the federal government could contribute to the process of reviewing and deciding on the 31 candidate sites in Nova Scotia. It was noted that the CCME (Canadian Council of Ministers of the Environment) is a useful forum in which the federal government can work with the provinces to encourage action on protected areas. Parks Canada can also work locally with provincial officials on monitoring and management regimes. The sharing of infrastructure and resources should lower the cost of maintaining protected areas.

It was also noted that the federal government could play a larger role in public education. The survival of protected areas may well hinge on the public's understanding and acceptance of their importance. In Kejimikujik, some 75 to 80 percent of the visitors are from Nova Scotia; thus a school outreach program, or the inclusion of the issue of protected areas in the school curriculum, are seen as potential avenues for effective public education.

## **Port Joli**

The Port Joli area is home to a variety of federal and provincial protected lands, as well as some privately held ecologically important lands. A very interesting local organization, the Port Joli Conservation Society, has been established in an attempt to ensure the coordinated management of this local resource. It is seeking the cooperation of Parks Canada, the Canadian Wildlife Service and the Nova Scotia Ministry of Natural Resources in coordinating the management of the various protected areas in this region.

In part, this goal has been reached, with the federal government keeping the Seaside Adjunct as a pristine, day-use-only facility and the province opening up campsites at the nearby Thomas H. Raddall Provincial Park. The provincial facility could also be used as an education centre, to explain to people why they are not allowed to camp in the Seaside Adjunct. As was noted to the Committee, people are much more likely to comply with such restrictions when they understand the reasons for them.



This area also offers another example of federal-provincial cooperation: in the federally administered Port Joli Bird Sanctuary, provincial enforcement officers are hired during the hunting season to protect the birds sheltering there.

The Committee was given some advice on how to avoid local opposition when creating new protected areas. An economic impact assessment, rather than an environmental impact assessment, is needed. Local landowners should be told what is coming as well as what is going when a protected area is established. One witness told the Committee that land owners should be compensated fairly if and when their land is needed for inclusion in a protected area.

The importance of interim protection measures was again pointed out, as was the need to engage aboriginal peoples more fully in the management of protected areas. As in other locations, the Committee was urged to view the value of protecting endangered spaces, and subsequently endangered species, in the long term. Canada is fortunate that it still has relatively large natural areas to protect. It is hard to overestimate the value the world will place on such areas 50 or 100 years from now. We would be well advised to protect as much of this natural asset as is practical.

While in the Port Joli area, the Committee had the opportunity to meet with a representative of the mining community. He reminded the Committee of the vitally important role that this industry plays in the Canadian economy. He expressed the industry's concern that the rules of the game, with regard to where it can and cannot explore for minerals, keep changing. It wants to avoid situations in which areas are identified for protection and taken away from mining companies that have already invested millions of dollars in developing them. Certainty is important to the industry.

The mining community also feels somewhat threatened by the increase in protected areas and "buffer zones" around them. It does not oppose protecting important natural areas but would prefer to work with governments to identify areas of mineral potential and, if necessary, adjust boundaries of proposed protected sites, to avoid conflicts.

Other witnesses noted that such moves may be possible in a province where there is a choice between protecting one area or another with a similar ecology. In Nova Scotia, however, there are so few areas still in a natural state that this choice does not always exist and some conflicts are inevitable. Fair compensation to mining companies who lose promising areas to protection was also said to be important.

### **Tobeatic Candidate Protected Area**

The Committee visited a part of the proposed wilderness area, and met with representatives of one of the largest private owners of forested land in Nova Scotia, the Bowater-Mersey Paper Company, at their base camp at the edge of the proposed wilderness area.

The importance of protecting the Tobeatic Wilderness and the conflict over its boundaries (i.e., the "Finger") are discussed elsewhere in this report. The Committee benefited from the chance to see the area and understand its uniqueness. The representatives of Bowater-Mersey pointed out the efforts they are now making to practise sustainable forestry. While such logging practices are not the subject of this Committee's mandate, they are important because they can affect the nearby park and wilderness area.

Company representatives assured the Committee that, while they still use clear-cutting, cuts are now limited to a maximum size of 125 acres. It was pointed out that in Nova Scotia, there are many privately held woodlots, of 200 or 300 acres or more. The forestry practices exercised on these lands are not regulated by the province, which relies on guidelines rather than legislation. It was noted that it may well be harder to influence the actions of numerous smaller landowners, than those of a large, visible company like Bowater.

## **SUMMARY**

Through these site visits, the Committee gained a great deal of insight into the challenges faced by Canadian governments and communities, as they work to develop and implement a national protected area strategy. These insights form the basis for the remainder of this report. We are grateful to all those who welcomed us into their communities and shared with us their valuable ideas.





## CHAPTER 2: A STRATEGIC FRAMEWORK

A very important aspect of the Committee's work was to identify and clarify the major issues facing the country in developing a protected areas strategy. If a common definition of the problems cannot be agreed upon, it is highly unlikely that a commonly accepted solution can be achieved. Moreover, the task of defining problems through public processes will force acceptable solutions to the surface.

### THE CHALLENGES

In Phase I of its study, the Committee identified the following challenges:

- ▶ The need for science-based criteria for protected areas to be standardized across Canada. Terminology and mapping criteria must be consistent to reduce confusion about natural regions and to increase our ability to measure and monitor progress.
- ▶ The need to assess and strengthen the resources and instruments available to acquire and manage protected areas. We must not allow our current economic burdens to threaten our ability to meet the commitment to create protected areas. Better use must be made of our strong private and non-government sectors and the many individual Canadians who are prepared to volunteer their help.
- ▶ The need to develop strategies to address the issue of federal/provincial/territorial land transfer costs and other institutional obstacles, which often hinder the creation of protected areas.
- ▶ A need to ensure that the principles of compensation are fair and well understood in order to facilitate industry cooperation and support for land acquisition for protected areas.
- ▶ The need for new strategies to design, deliver and finance job conversion programs in order to maximize employment opportunities in protected areas. These programs must meet real needs and ensure both effectiveness and fairness.
- ▶ The need to develop interim measures to protect candidate sites from development until decisions can be made about their ecological value.
- ▶ The need to involve native people in protecting ecologically significant areas. They must be an integral part of all land management discussions in areas to which they claim title.

Because these challenges encompass so many aspects of developing and implementing a protected areas strategy, the Committee initially chose to explore four of them in more detail in Phase II of its study. These issues are:

- ▶ Resources for protected areas
- ▶ Job conversion strategies
- ▶ Interim protection measures and
- ▶ native involvement.

As highlighted in Chapter 1, in the Committee's discussions with park managers, commercial and community interests and representatives from non-government organizations, whether in Halifax, Banff or the Pacific Rim National Park, a fifth important issue kept coming up: the importance of the human dimension in protected areas. This cannot be overlooked when discussing the protection of habitat. Human beings, as well as wildlife, require a place to live. Our "migration patterns," living and working habits, recreational needs and so on are important elements which must also be taken into account in making decisions on protected areas.

The fact that this element is often omitted accounts, at least partially, for the frequency with which the Committee heard of dissatisfaction with the traditional decision-making processes for evaluating, financing and managing protected areas. If our discussions with the many individuals and organizations across the country taught us anything, it was that people want to be heard and that adversarial approaches rarely bring the most effective results. The Canadians who appeared before the Committee generally opted for collaborative, non-adversarial processes, featuring accountability, fairness and transparency. Therefore, a new challenge was identified:

- ▶ The need to develop new decision-making processes that can win broad public support for a national network of protected areas.

Throughout the Committee's work in Phase II, those we met expressed concern about the challenges in identifying, evaluating, proclaiming and managing protected areas. These challenges are so complex and demanding that many despair of making any headway; yet, the people who worked with the Committee stated these are the challenges that must be addressed if we are to meet our commitment to a national protected areas network.

## THE RECOMMENDATIONS

In subsequent chapters, specific recommendations follow the discussion of each challenge. A number of the recommendations may have already been put forward by governments, individual Canadians, organizations and groups -- and in some cases are beginning to be implemented. We believe they are important enough to bear repetition.

Recommendation #1, however, which follows this section, will ultimately require a commitment by all governments in Canada and is, in many ways, a prerequisite to addressing all the other challenges identified in this report. It has come to the Committee's attention that the Canadian Parks Ministers' Council, unlike its counterpart, the CCME (Canadian Council of Ministers of Environment), is not an active organization. It seems to us that this group could provide an excellent forum for strategic planning for parks and protected areas at the national

level. Throughout our study we noted that the provinces and the federal government are often moving at different paces, and in different directions, with respect to meeting their commitments to completing a network of protected area. What is lacking is a mutually agreed upon integrated strategy. The Committee encourages the Parks Ministers' Council to further refine and develop this recommendation and those proposed later in this report. The options presented here were discussed only briefly by the Committee and will require more evaluation and review to determine their costs and benefits.

### **Recommendation #1**

**The federal government should use the next meeting of the Canadian Parks Ministers' Council as a forum to create a national strategy and action plan for protected areas.**

The key actions required at such a meeting include:

- ▶ endorsing a national definition of "protected areas" which recognizes differing use patterns and ecological sensitivities;
- ▶ outlining the direction for a national strategy for protected areas;
- ▶ adopting consistent, science-based, national criteria for identifying and evaluating protected areas;
- ▶ moving to a more systematic and participatory approach for protected areas planning across all regions in Canada while respecting regional differences (this includes managing lands inside and outside protected areas);
- ▶ integrating the protected areas strategy with other environmental protection initiatives to accomplish strategic bio-diversity goals (in particular, there is an urgent requirement for more coordination between policy and legislation regarding protected areas, endangered species, migratory birds and taxation at the both the federal and provincial levels);
- ▶ developing and implementing a clear plan of action to ensure that Canada's commitment to a network of land-based protected areas is achieved by the year 2000.

Governments can learn from the management success of the private sector, where strategic goals are established, targets are set and action plans created to achieve them. This is a critical approach that the Canadian Parks Ministers' Council seems ideally suited to facilitate.





## CHAPTER 3: PEOPLE AND PROTECTED AREAS

**THE CHALLENGE:**      **The need to develop new decision-making processes that can win broad public support for a national network of protected areas.**

It is commonly believed that parks and wilderness areas are protected because of their scenic beauty, their recreational potential or their unique ecological factors. In addition, however, parks and wilderness areas are created because they have friends. This was true in 1885 when Banff was proclaimed as the first national park in Canada; it was still true in 1985 when the call came for a park to be established on Haida Gwaii -- South Moresby; and it continues to be true today.

Not surprisingly these friends, neighbours and users want to be involved in park decisions, especially those that affect their lives or interests. Accordingly, they are asking for new processes for decision-making whereby governments will consider input from all groups before making a final decision. While it may not be possible for participants to achieve consensus on a given issue, many people believe that all sectors of the public must have a chance to contribute and review the factors guiding the development of policies and programs.

### PARTNERSHIPS AND COLLABORATION

Over the past decade, governments, park managers, conservationists and communities adjacent to protected areas have begun to accept that, in order to protect a park or wilderness area, they cannot simply put a fence around it. Given the enormous range of issues unique to each protected area -- from ski hills inside mountain parks and suburban development outside them, to fire and wildlife management in Waterton Lakes National Park in Alberta; to grasslands management in Grasslands Park in Saskatchewan; to recreational use in ecologically fragile coastal areas of British Columbia and Nova Scotia -- it is very difficult to separate ecological events from human concerns. In Banff National Park, for example, the main townsite, an airfield, a golf course, the TransCanada Highway and a railroad coincide with the major wildlife migration corridors.

Managers of protected area have thus begun to work with communities to find ways to live sustainably with and ensure effective ecosystem management of protected areas. For example, two of Canada's longstanding international biosphere reserves are centred on national parks -- Riding Mountain and Waterton Lakes. During its visit to Cardston, Alberta, the Committee learned that biosphere reserves are managed to protect ecosystems and species and to foster sustainable economic development. They also encourage environmental education, training and research and are monitored both locally and internationally. Most importantly, while improvements can be made to biosphere reserve management, they offer a model of cooperative planning and management on which we can build.

Involving people in ecosystem management is not just the morally right thing to do -- it makes economic and environmental sense. The most successful conservation examples in Canada are those where government, industry and non-government organizations work hand-in-hand to implement good ideas and create protected areas. In addition to the biosphere reserves, there are examples of such co-operative efforts from coast to coast to coast. These include:

- ▶ Jedediah Island conservation area in British Columbia: the province, the British Columbia Nature Trust, Mountain Equipment Co-op, Canada Trust and other parties jointly raised \$4.2 million needed to purchase the island and protect it from development.
- ▶ Critical sand dune and wetland habitat in Prince Edward Island: in a province where 90% of the land is privately owned, this habitat was saved when it was jointly acquired by the province and the Island Nature Trust.
- ▶ Vuntut National Park in Yukon: the Park was established following a land claim settlement with the aboriginal peoples. In addition, Petro-Canada Limited, Noranda Inc. and other industry partners donated the mineral rights they held in the Park to the Nature Conservancy of Canada. They, in turn, donated the rights to Parks Canada.

## **PUBLIC INVOLVEMENT**

Where a protected areas process or special study is under way, the public has a critical role. In fact, public involvement is essential to achieve a comprehensive system of protected areas. The complexity of each individual situation necessitates a careful assessment of the tools and techniques to use in the decision-making process. This means looking at what everybody does and how each member of the community or interested public interacts with the others and with the environment. Unless protected area managers understand these realities, much time and money can be wasted in unproductive discussions.

As a start to ensuring effective public involvement, the Committee supports the following approach. We recommend that all governments evaluating, creating and managing protected areas:

- ▶ communicate to all stakeholders the full rationale for proposing a protected area plan and for candidate site selection and provide details of which activities will be prohibited and/or permitted;
- ▶ identify candidate sites as soon as possible in the process to allow for the early identification of potential areas of conflict;
- ▶ create opportunities and on-going mechanisms for all stakeholders to identify their issues and to negotiate solutions; and
- ▶ provide affected communities and individuals with an opportunity to have input into formulating a job conversion strategy for their area.



## UNCERTAINTY BREEDS CONFLICT

Many Canadians believe that the present mix of federal, provincial and territorial regulations regarding protected areas, and the variety of regulatory agencies and departments involved in administering those regulations promote a piecemeal approach to protection which:

- ▶ creates uncertainty for both industry and conservation groups;
- ▶ raises the cost of doing business for those working in or adjacent to protected areas;
- ▶ heightens win-lose scenarios between competing interests;
- ▶ results in less job creation; and
- ▶ creates excessive administrative costs and delays.

In light of the competing demands facing those charged with completing our protected area network, the need has never been more urgent for governments to ensure that their legislation, policies and programs are as clear, as efficient, as effective and as well co-ordinated as possible.

As noted in Chapter 1, the Committee heard testimony from many groups and individuals about the need for certainty. From a business point of view, operators of the Sunshine Village development in Banff presented the Committee with a vivid example of difficulties encountered when rules regarding development within protected areas are uncertain. The Committee was told that this company has seen the rules change numerous times during its efforts to expand development in Banff. It does not object to the need for environmental assessment, but feels that, once a company has complied with all the rules and invested a considerable amount of money, it is very unfair to change the rules and expect the company to alter its plans again, and go through the yet another approval process.

## CONFLICT MANAGEMENT

The Committee has learned that there are no quick fixes to such complex issues. Even with new approaches, conflicts do arise; leadership and commitment are needed to resolve them. Individuals and organizations must join with governments to seek effective solutions and assume more responsibility in implementing them.

In some protected areas long cherished by Canadians, the continuing expansion of visitor facilities, tourist attractions, hotels, convention centres, and other facilities has become contentious. This is especially true for Banff National Park, where over a century's worth of development has spilled over to the rest of the Bow Valley Corridor. In Banff, the Committee heard first-hand how the desires of local businesses and conservation interests are on a collision course. Each side has a very different view of the role of a national park.

For Banff a positive step has been taken to try to resolve this conflict. The federal government has appointed the Banff Bow Valley Task Force to make recommendations on the future management of the whole Banff Bow Valley region.

In British Columbia, under the auspices of the Commission on Resources and Environment (CORE), stakeholders had an opportunity to negotiate with each other on cooperative development of regional land use plans. The plans included protected areas and planning processes for adjacent lands, as well as economic strategies to off-set the impacts of land withdrawals. Nova Scotia, using another model, appointed an independent Public Review Commission to hold province-wide hearings on the government's proposal to protect 31 sites.

Even with these high profile successes, there is a continuing need to resolve protected areas conflicts. When meeting with the Senate Committee, members of the Banff Bow Valley Task Force made a number of suggestions about how to manage such conflicts effectively. We believe that their ideas have considerable merit and that government agencies should be encouraged to adopt the principles they identified when formulating specific conflict management plans for protected areas:

- ▶ significant ecological features, such as wilderness, wildlife and ecological processes, must be maintained as a priority in protected areas.
- ▶ protected areas must also preserve those features that attract and touch park visitors, keeping in mind the overriding responsibility noted in the above suggestion.
- ▶ a profitable, predictable and stable private sector which can attract and serve visitors is an important element in ensuring a sustainable economy in locations adjacent to protected areas. Measures must be taken to ensure a climate that promotes the development of such an economy.
- ▶ consistent government policies and transparent decision-making processes are essential for both environmental protection and economic development.
- ▶ decisions about protected areas must be based on good science. Scientific tools, such as the principles of conservation biology, environmental assessment, cumulative effects assessment, ecosystem and regional planning, need to be used in developing and managing protected areas.
- ▶ a common understanding about problems and common goals allows all stakeholders to take the risks to resolve issues.
- ▶ new partnerships need to be explored with private sector operators, conservation groups and individuals to finance new, and maintain old, programs.
- ▶ relationships are based on integrity and mutual respect. Diverse viewpoints and cultures provide valuable input and contribute to better success.

Other services contend that effective negotiations are those that can convert competitive bargaining into joint problem-solving. The search for mutually beneficial outcomes is seen as the key to success.



To develop a process that will result in mutually acceptable solutions, it is necessary at the outset to agree on the goals and the problems. Agreement on these two issues is fundamental to the resolution of conflict and to the development of subsequent management strategies. Further, it can be argued that, once a target has been established and the problems identified, all parties must clarify their beliefs and values with respect to the issues.

Commonly held beliefs can then be built upon and a number of principles can be established to guide planning and actions. No one set of principles or type of planning process will be appropriate for all situations, but establishing them is an important first step to resolving conflict.

As the Committee stands back and views its work of the past two years, we have become convinced that for protected area conflicts to be successfully resolved, local citizens must be involved more closely in a variety of roles from advisory to practical. During its site visits, the Committee also learned that, despite this reality, there are few forums in which all interested parties can discuss park-related issues. The Committee would like to see such a forum created.

## **Recommendation #2**

**Citizen advisory groups should be established for parks and protected areas.**

These advisory groups should work with government, experts and other members of the public to assist in the development of management plans for the protected areas. Parks managers must start talking to their neighbours.

When governments look at establishing citizen advisory groups, they should ensure that the following factors are present:

- ▶ there is a desire in the local community for a citizens' advisory group;
- ▶ there are identifiable interest groups that will be significantly affected by decisions respecting the protected area and are interested in participating;
- ▶ there is a reasonable likelihood that groups can be convened with a balanced representation from the community;
- ▶ participants can be found who are willing to negotiate in good faith to reach agreement and resolve conflicts;
- ▶ there is a reasonable likelihood that the group can reach consensus on a strategy and management approach within a fixed period of time;
- ▶ the group will not unreasonably delay necessary park management plans or actions;
- ▶ the government agency has adequate resources and is willing to commit such resources, including technical assistance, to the group; and



- ▶ the government agency, to the extent possible consistent with its legal obligations, will use the consensus reached by the group as a basis for planning and action.

There is another means by which communications between interested parties can be fostered: the electronic highway presents an excellent, low-cost option.

### **Recommendation #3**

**Parks Canada should take advantage of the electronic information highway and other new communication tools. For example, a home page on the World Wide Web could be created for the National Protected Areas Strategy.**

Specific issues and opportunities in planning and management of protected areas, including cases where conflict management techniques have been successful, could then be explored by the full range of stakeholders. Non-government organizations are proficient in electronic communications and have expertise that could contribute to the success of this venture.

## CHAPTER 4: RESOURCES FOR PROTECTED AREAS

- THE CHALLENGES:**
- ▶ The need to assess and strengthen the resources and instruments available for acquiring and managing protected areas.
  - ▶ The need to ensure that our current economic burdens do not threaten our ability to meet the commitment to create protected areas.
  - ▶ The need to make better use of our strong private and non-government sectors and the many individual Canadians who are prepared to volunteer their help.

During the past century, the development of Canada's natural resources made possible the rapid growth of our economy and our society. A buoyant economy led Canadians to expect a broadly based social network and higher levels of environmental protection. In recent years, however, Canadian governments have experienced increasing levels of debt and a corresponding reduction in the flexibility available to respond to social needs.

Fundamental changes in government financial planning are posing new challenges in all areas of government programming, including the commitment to a representative national network of protected areas. This Committee recognizes these economic challenges; yet, we must be careful not to damage future prospects for a healthy environment and economy through short-sighted actions today.

If we are to develop new approaches for meeting our commitment to protected areas, we must put aside old ways of thinking. In particular, we must put to rest the notion that the need to reduce government spending means we can no longer afford to create protected areas. New ways must be found to reach our goals. We must also understand the economic absurdity in the idea that parts of the country can be preserved like islands while other parts are abused or destroyed to create jobs.

In fact the opposite is true. Jobs can be created through protecting ecologically significant areas and improving industrial environmental protection measures. Indeed, one of the growth areas for the '90s has been in the environmental field; the environmental services industry is the fastest growing sector of the economy. Another growing sector is tourism. As the Canadian population has become aware of recreational opportunities, demand for tourism, especially eco-tourism, has increased dramatically.

In this chapter, the Committee makes recommendations for strategies to address the resourcing challenges associated with protected areas.

## **MORE EFFECTIVE USE OF FEDERAL SPENDING FOR NEW PROTECTED AREAS**

At the federal level, it is acknowledged by government that at least 16 new national parks must be established if Canada is to meet its commitment to completing the national network of protected areas by the year 2000. This task presents a difficult challenge in an era of fiscal restraint. Recognizing this, Parks Canada has already taken a number of steps to reduce the estimated costs of new national parks. For example, in the future there will be less expenditure on facility development, particularly in northern parks.

Parks Canada should continue its program of targeted cost reductions and cost efficiency. Its efforts in this direction need to be reinforced by monitoring programs which track the impact of cost reductions on program delivery.

The non-government sector, including agencies such as the Native Conservancy, can and do assist in buying ecologically sensitive land to protect it from development.

### **Recommendation #4**

**Parks Canada should be encouraged to work further with non-government organizations to offset acquisition costs of future national parks.**

Further, through its National Business Plan Parks Canada also emphasizes funding the completion and maintenance of the national park system. An entrepreneurial approach to managing parks by increasing revenues and reducing dependency of government appropriations has been introduced. This is a positive step toward management control and accountability; and more can be done. As several individuals told the Committee, however, change always brings uncertainty for both employees and the public. Thus, special care must be taken to communicate changes associated with government spending, costs related to services, and priorities regarding government programs.

There is, however, an inherent danger in this more business-like approach. It may create undue pressure to increase revenues by bringing more people into fragile ecosystems. The Committee heard of this concern during visits to the popular Pacific Rim and Waterton Lakes National Parks, where the number of visitors is rising sharply. Concern over the potential impact of so many visitors on the ecological integrity of the Park has led managers in the Pacific Rim Park to limit the number of visitors to the Western Trail section. Protected areas on public lands have social values that far exceed their income-generating ability. Such values may be compromised by pressures to attract ever-increasing numbers of visitors in order to raise revenue. Therefore, user fees alone should not be expected to provide the resources necessary to maintain protected areas on public lands.



### **Recommendation #5**

**Parks Canada should refine its National Business Plan to include a program of incentives that would encourage employees to seek ways to save money and promote revenue generation in parks, while still meeting public interest objectives regarding protected areas.**

The Committee was told during its site visits that one of the best incentives to raise income would be to allow the parks to keep the money from admission fees, parking fees, the sale of assets etc. for use in maintenance or operation, rather paid into general revenues. Such an incentive would promote efficiency in operations. The co-operation and support of the Treasury Board should be sought to make such a program possible.

Care must be taken, however, to ensure that efforts to generate revenue do not overwhelm the protection objectives. It is also important to note that this incentive would not be attractive or practical for funding the operation of wilderness areas where visitors are limited, or parks that do not and should not attract large numbers of visitors. Government appropriations would still be required to maintain and operate these parts of the system.

Significant economies of scale could be realized if the government of Canada and provincial and territorial governments agreed to share the costs of creating and managing new national parks that meet both federal and provincial/territorial goals. For example, the proposed Torngat Mountains and Mealy Mountains National Parks in Labrador would make a contribution to the protected area goals of both the federal and the Newfoundland governments. If the two jurisdictions shared the costs, more could be accomplished in a shorter period of time.

The kinds of initiatives described above can enhance the contribution of governments to the creation of protected areas and should be encouraged. In the same vein, however, governments, no matter how well motivated by the desire to find new and better ways of doing business, should be careful not to duplicate activities that are already well and fully managed by others. For example, the Committee learned of a study commissioned by Parks Canada to assess the feasibility of direct fundraising for land acquisition by government-operated foundations. If successful, the effect of such an initiative could be to bypass charitable foundations established for the same purpose. The potential negative impact of such an initiative on Canadian philanthropic institutions and on voluntarism is severe and needs to be weighed very carefully. Instead, the Committee would like to see government efforts in this area directed at comparison initiatives to promote contributions. For example, in southern Alberta, the Bar U Ranch protected area is funded in part by money raised from the local community by an organization known as the Friends of the Bar U.

**Recommendation #6**

**If governments choose to become involved in direct fundraising for charitable purposes, such as acquiring, maintaining and/or operating protected areas, they must ensure that their activities are supportive of, and not in competition with, similar activities by local non-government organizations.**

**THE NORTHERN CHALLENGE**

Canadians in the northern parts of our country are custodians of some of the planet's largest intact wildlands. Caribou, bears and wolves still roam freely over much of the landscape and there are significant primaeval ecosystems that are basically undisturbed. However, the land is changing quickly and resource development is proceeding. If action is not taken now to protect these wildlife and ecosystems, the opportunities to protect some of the wildest lands in the world will be lost.

In the Canadian north, territorial governments have the responsibility to create parks and protected areas; yet most of the land is still under the administrative and financial control of the federal government. This split of management controls results in a very limited revenue base for funding territorial parks and also creates confusion as to which jurisdiction has the responsibility for management.

In addition, communication between the various federal agencies with northern responsibility must be better coordinated. This is necessary to ensure that development proposals do not compromise candidate protected sites and that representative landscapes and wilderness areas are given due consideration in land-use evaluations. For example, in the recent past there have been instances where lands already identified by Parks Canada as candidate protected areas were allocated for resource development by the Department of Indian Affairs and Northern Development. The most recent example was in the Bonnet Plume River watershed where one branch of government was seeking designation as a Heritage River at the same time that another was committing the same area to other uses. Such conflicts are costly and confusing.

**Recommendation #7**

**The Department of Indian Affairs and Northern Development and Parks Canada must work together closely to enhance the network of protected areas in northern Canada and to eliminate potential policy conflict.**

These measures could include consideration of the impact of proposed developments on candidate protected areas, and examining how to redirect a portion of development royalties to territorial parks programs.

## **PRIVATE LANDOWNERS AND PROTECTED AREAS**

The Committee recognizes that it is not realistic to expect that reducing government expenditures alone will enable Canada to achieve a national network of protected areas. We must also look at ways to increase revenues and to find new ways to protect lands. Because many of Canada's most biodiverse landscapes are privately owned, the support of private landowners is a critical component in completion of the protected areas network.

Governments cannot afford to purchase all, or even a fraction, of the private land necessary for national or regional conservation goals. Consequently, a more productive relationship with private landowners needs to be developed. Representatives across the country told the Committee that there are a number of constraints to cooperative ventures. Among these are the following:

- ▶ limited inducements or incentives that encourage owners to contribute their land for conservation;
- ▶ a lack of public awareness of the critical importance of contributions of privately owned land to the achievement of national conservation goals; and
- ▶ a need to develop new management tools for private lands dedicated to conservation.

The Committee recognizes the action taken by the government of Canada in the 1995 Budget to encourage the conservation and protection of Canada's environmental heritage by exempting qualified donations of land, including qualified donations of covenants and easements, from the annual limit of 20% of net income. However, much more needs to be done. For example, the Committee heard from numerous organizations across the country that the federal capital gains tax remains a major obstacle to those wishing to donate lands because it makes such donations prohibitively expensive. On the other hand, the federal government has indicated such tax relief would create a costly and inefficient subsidy and loss of revenue to government. (See Appendix E for a discussion of The Tax Treatment of Donations of Ecologically Sensitive Land). Clearly, the lack of incentives to protect significant natural features on privately owned lands is particularly frustrating. Some resolution of this fundamental conflict is necessary if a strategy for securing and preserving such lands without outright purchase is to be successful.



### **Recommendation #8**

**The federal Finance Minister and the Minister of Canadian Heritage should work with conservation groups, local landowners and the private sector to create comprehensive strategies for:**

- ▶ **protecting ecologically significant natural features at risk on private lands; and**
- ▶ **funding the acquisition of private land within the proposed boundaries of national parks.**

The Committee heard from landowners who would like their land to remain in their family but on condition that the land could never be developed. Unfortunately in most jurisdictions, landowners lack the necessary tools, such as conservation easements or other types of restrictive covenants, to accomplish this. Only British Columbia, Nova Scotia, and Ontario have legislation in place to permit conservation easements on privately owned lands. The Ontario Land Tax Rebate Program offers tax relief if private landowners are willing to donate specific lands for conservation and has identified the Niagara Escarpment, Carolinian Canada and wetlands as regions eligible for tax relief. Although discussion is taking place in a number of provinces, no other jurisdiction has a mechanism to assist landowners. The full range of tools available for acquiring environmentally sensitive lands is described in detail in Table 1 of this report (p. 106-115).

During the Committee's site visit to Pincher Creek, Alberta, we heard from ranchers owning land adjacent to Waterton Lakes National Park who would like to see their property passed on to future generations and kept in their current land use patterns, which are complementary to the operation of the neighbouring Park; they would like to see a continuation of the existing situation. Unfortunately, tax complications and upward pressure on land prices, due to developers' interest in the land, are threatening the present mutually advantageous arrangement. These ranchers would like to have measures put in place to allow them and their children and grandchildren to maintain their present lifestyle. To help ensure that this is possible, the Committee makes the following recommendation.

### **Recommendation #9**

**At the provincial level, governments should work with non-government organizations and others to develop a range of incentives and programs to encourage private landowners to conserve their properties and to choose the form of conservation agreement or covenant that best serves their needs.**

At the federal level, the existing farm credit system includes disincentives in protecting ecologically sensitive agricultural lands; for example, farmers are encouraged to drain, rather than save, wetlands.

**Recommendation #10**

**The federal Minister of Agriculture should review departmental policies and programs to ensure that they encourage, rather than discourage, the protection of ecologically sensitive lands.**

For example, the federal Minister of Agriculture could direct the Farm Credit Corporation (FCC) to investigate the feasibility of providing mortgage relief to farmers who have ecologically significant land that they wish to protect. The Committee would like to see the FCC integrate conservation concerns into its lending and financing policies to the extent possible under its mandate.

Some representatives who met with the Committee suggested the need to create "Protected Area Store Fronts" -- information centres in key rural areas to assist landowners to understand conservation options. In eastern Ontario, for example, several agencies set up the Manotick Landowner Resource Centre in the Rideau Valley Watershed as a three-year pilot project. It provides landowners in the area with objective information about the various aspects of land conservation. Direction comes from a steering committee of regional landowners and conservation agencies. This type of public information centre could serve as a model across the country to promote the importance of conserving natural areas.

The assistance of existing organizations that could add this task to their mandates should be actively sought when establishing this sort of public information office. For example, in B.C., the Fraser River Basin Management Program has, as part of its mandate, to provide public education to support and reflect sustainability within the Basin. Clearly, this organization is already involved in the kind of activity the Committee is recommending and it would make much more sense to use its expertise rather than to create a separate entity as the local "Protected Area Store Front".

**Recommendation #11**

**All governments in Canada, in concert with non-governmental organizations, should jointly coordinate and support a public awareness program for protected areas.**



## **VOLUNTEERS, NON-GOVERNMENT ORGANIZATIONS AND PROTECTED AREAS**

The huge growth in the number of non-government organizations in recent years demonstrates that Canadians believe that they, as individuals, can make a difference. Twenty years ago there were perhaps 25 environmental groups in Canada; today there are more than two thousand. To meet the emerging challenges identified in this report, however, the Committee believes strategic alliances and partnerships between such groups will have to be strengthened. Groups of citizens must find more innovative, non-traditional ways to work together and with governments. In short, Canadians must be prepared to do more for themselves.

Individual volunteers and the strong non-government sector can be called upon to play a much more significant role in establishing and managing protected areas. There are already many examples of such input. For example, in Yukon, Kristie Simpson and her dog Alex have been volunteers for Parks Canada for the past four years. As the only trained Avalanche Rescue Dog team in the territory, they are a valuable resource for public safety programs in the region. Kristie does this volunteer work in addition to her regular job.

On the beaches of Pacific Rim National Park Reserve in British Columbia, local Boy Scouts and others conduct an annual litter pick-up in which they collect over six tonnes of netting, plastics and other assorted debris. In the Gulf Islands, volunteers track the activity of raptors. In Ontario, over 600 individuals pay a \$12 voluntary fee to record information on the presence and breeding success of loons. Across the country, about 150 volunteers work with the Canadian Wildlife Service's Forest Bird Monitoring Program.

In addition to individual volunteer efforts, non-government organizations contribute to protected areas by organizing teams of volunteers. In Atlantic Canada, where most of the land is privately owned and financial resources are limited, volunteers are instrumental in helping to protect areas of ecological value. For example:

- ▶ The PEI Nature Trust formed a conservation guardian program to train individual volunteers to assist in the protection of the piping plover habitat, rivers, and natural areas throughout the province. To date over 100 volunteer conservation guardians have been trained. Some are involved in monitoring the health of private lands.
- ▶ In southwest Nova Scotia, The Port Joli Basin Conservation Society was formed to build on the investments of three different local protected area agencies. They are attempting to promote a cooperative approach between Kejimikujik National Park (Parks Canada), Port Joli Migratory Bird Sanctuary (Canadian Wildlife Service), and the Thomas H. Raddall Provincial Park (Nova Scotia Department of Natural Resources). The Society hopes to establish a volunteer service and plans to work with private landowners around the three protected areas.
- ▶ Also in Nova Scotia, about 45 people have been trained at the Acadia Centre for Estuarine Research to test water quality at 22 sites throughout the Annapolis



River watershed. The goal of the program is to rehabilitate and protect watersheds in the Annapolis Valley.

At the national level, World Wildlife Fund Canada and the Canadian Parks and Wilderness Society, through the Endangered Spaces Program, have provided the impetus and solicited public support for the goal of a representative national network of protected areas. The Nature Conservancy of Canada has been instrumental in assisting governments across the country to purchase over one million acres of ecologically significant lands. The Canadian Nature Federation, Canadian Parks and Wilderness Society, Sierra Club of Canada and the Union Québécoise pour la conservation de la nature all work with governments to protect wilderness and to push forward important national campaigns, such as federal endangered-species legislation.

### **Recommendation #12**

**Protected area agencies should identify projects that require outside funding and volunteers to assist them in acquiring candidate sites and in management programs where insufficient government funds are available.**

The Committee believes that the contribution of non-government organizations should be better understood, better publicized, and better utilized. These organizations can often be more flexible and efficient than governments. They have access to funding from public and private foundations and can raise funds for protected areas directly. Some of these groups routinely form strategic alliances with business and with governments to achieve mutually agreed upon objectives. All of them have a commitment to protected areas and represent a major resource.

Non-government organizations should work together to better define projects and establish priorities. This would reduce administrative costs and focus efforts on project activities. The Committee believes that action is required to support volunteer efforts.

An interesting example of how trained volunteers can work in protected areas is the Master Gardeners Program sponsored by the VanDusen Botanical Gardens Association in Vancouver, B.C. Before being accepted into this program, volunteers with a keen interest in gardening and with a willingness to share that interest and experience with members of the public must attend an information session and write an eligibility test. Once accepted into the program, each student pays a fee, part of which is refundable upon completion of the first 50 volunteer hours. In return for the 50 hours of instruction they receive during the program, each student must agree to perform at least 70 volunteer hours over two years. At the end of the two years, the volunteers receive their certificate as a Master Gardener. The Master Gardeners then continue their volunteer activities both in the VanDusen Gardens and in outreach programs throughout the province.

**Recommendation #13**

**Volunteers should be trained to free experienced park personnel from more routine tasks such as clearing trails and cleaning litter from beaches, and, where possible, to augment professional expertise in a protected area.**

Training volunteers takes considerable time. The Second Century Club, a relatively new organization of retired park employees, offers an opportunity for knowledgeable, experienced former park employees to help train volunteers. The Federal-Provincial Parks Conference could establish a working relationship with The Second Century Club to examine how they can work together to develop regional volunteer programs. Parks Canada could expand its National Volunteer Program and direct volunteers to assist in provincial protected areas as well as national parks, provided the provinces agree.

Finally, the best use must be made of the range of skills in the voluntary sector (i.e., students, conservation and naturalist groups, and professionals). Each group can fulfil different needs; however, to be cost effective and make efficient use of volunteer services, governments may need to consider the use of trained coordinators. While jobs like this may initially increase costs, long-term gains can be achieved. However, public service labour unions will need to be actively consulted to avoid the perception that their jobs are at risk. The Committee challenges governments, business and non-government organizations to initiate these kinds of partnerships. It is not necessary to reject candidate sites or management projects simply because no government funding is available. Managers must consider the full range of potential resources.

## CHAPTER 5: INTERIM PROTECTION MEASURES FOR CANDIDATE SITES

**THE CHALLENGE:**      **The need to develop interim measures to protect candidate sites that might otherwise be developed, until decisions can be made about their ecological value.**

In southern Canada, some of the most biologically diverse natural regions have become fragmented by private land allocation or by resource development. Land use activities or rights to activities such as logging, mining, oil and gas, hydro-electric, agricultural or recreation interests can create a major obstacle to establishing a protected area in certain candidate sites. Across the country, representatives who appeared before the Committee stated that the interim protection of potential protected areas is a contentious issue which presents a challenge for all parties -- governments, business and conservation or community groups. While most parties agreed that interim protection measures are needed, it was not so apparent that people knew how to implement such measures.

One important reason for interim protection measures is cost. Once a specific land use designation has been granted for commercial or industrial purposes, it is more difficult and usually more expensive to create a protected area. Where a proposal for a protected area prohibits use for which a previous right or interest has been granted, the interest holder may claim to be entitled to compensation and unresolved legal issues may arise. As a result, the cost of creating the protected area tends to increase substantially.

Many of the representatives who met with the Committee, regardless of their particular interests, commented on the uncertainty created when governments allocate resource rights in candidate sites before decisions on protection are made. Questions tend to arise about the credibility of the protected areas process, conflict between parties is heightened and opportunities for creative problem solving are reduced. In some parts of Canada this issue is so contentious that many conservation groups and other protected areas supporters will not participate when they believe the natural values they are seeking to protect are being compromised even while the process is ongoing. As an example, the "talk and log" approach in Clayoquot Sound, B.C., undermined early attempts to resolve land use conflicts.

The Committee heard from representatives of some industrial sectors, including mining and forestry, of their support for protected areas, the need for certainty about the candidate site selection process, and for interim protection measures. However, these groups still have some residual concerns. The Committee did not have the opportunity to discuss these in detail with industry representatives but we can draw on the experience of the Whitehorse Mining Initiative during which the mining industry expressed concern over such issues as the length of time interim measures might be in place, the size and extent of the area under interim protection, the criteria used to select such sites, the treatment of pre-existing third party rights and interests, and the impact on investors of delays in development.



Another important reason for developing and using effective intensive protection measures is the fact that candidate sites frequently represent significant, rare, or fragile natural values which can be compromised by development activities. In one example, the federal government and the government of Newfoundland and Labrador are studying the potential for establishing a national park in the Torngat Mountains in northern Labrador. Concurrently, the provincial government is allocating parcels of land within the candidate site for mineral exploration, resulting in a "rush" to stake claims. If valuable minerals are found, the ecological integrity of the candidate park could be seriously jeopardised before it attains protected status.

There are a number of positive examples of the use of interim protection measures which the Committee believes could be built upon. For example, in the Northwest Territories, the federal government withdrew 22,800 square kilometres from industrial development for three years until a decision was made to establish Tuktut Nogait National Park. In another case, using section 19 of the *Territorial Lands Act*, the land for the proposed Ellesmere Island National Park was withdrawn from all development for two years to allow negotiations for park establishment to conclude. In Ontario, candidates for provincial protection are withdrawn from mineral development under the *Mining Act* and cannot be staked; in forested areas, permits to cut timber are not issued.

Given the undertaking by federal and provincial governments to include representative samples of all of Canada's natural regions in its protected areas network, and the broadly based demand for greater certainty in candidate site selection, the Committee supports the use of interim protection measures in order to:

- ▶ preserve the option of protection until a decision is made;
- ▶ maintain the credibility of decision-making processes;
- ▶ provide development interest with more certainty as to where development is permitted; and
- ▶ reduce the potential costs of creating protected areas.

The Committee recommends the following criteria be used as triggers for the implementation of interim protection measures:

- ▶ when a decision to protect lands is imminent;
- ▶ when a public process or a negotiation to establish a protected area is under way;
- ▶ when knowledge about the ecological values of a proposed protected area is incomplete;
- ▶ when the area proposed for development falls within a natural region where few remaining opportunities for protection exist;
- ▶ when there is a staking or a development rush in an region where candidate protected areas are being considered; and
- ▶ where there is a backlog of long-standing and well-identified candidate sites.

## TOOLS FOR INTERIM PROTECTION

A number of legal and policy tools can be used to protect candidate sites. Legal tools, although strongest, take time and are very costly. As a result, policy instruments such as notification tend to be used more frequently, especially at the provincial level. This type of policy tool, while useful, requires intergovernmental cooperation and voluntary compliance. In Alberta, for example, notification of candidate sites appears on all mineral sales postings. Notwithstanding such postings, however, the Department of Energy continues to conduct mineral sales in candidate sites and industry continues to buy and explore lands in nominated areas.

The British Columbia government recently used a similar type of interim protection process which appears to hold some promise. During the CORE (Commission on Resources and Environment) negotiations, whenever a land use and protected area decision was imminent, no new claim staking was permitted. Where a decision was less likely, claims could be staked, subject to public notification requirements in certain cases. The B.C. government circulated this policy directive and published maps of proposed protected areas, thus giving broad notice of the rules and the sites to which interim protection measures applied.

At the federal level, Parks Canada currently has no powers to impose interim protection on candidate national parks. The Committee believes this is a serious omission, which must be addressed.

### **Recommendation #14**

**Parks Canada should be given the power to impose interim protection measures on candidate sites for national parks on federal land.**

At the same time, the Committee feels that it is essential for Parks Canada to put in place a process to resolve as quickly as possible the uncertainty created by the imposition of interim protection measures. It is also important for Parks Canada to use this power in a co-ordinated way with its provincial and territorial counterparts.

As a first step, the Committee encourages the Canadian Parks Ministers' Council to circulate the various interim protection policies of governments and to facilitate a standard approach to interim protection across the country.

**Recommendation #15**

**The federal government, through its participation in the Canadian Parks Ministers' Council and the Mines Ministers' Council, should ensure that the content and application of interim protection measures are consistent across jurisdictions and are widely communicated to industry and other interests.**

In summary, given competing demands and the uncertain economic and policy climate created by ambiguous and often contradictory rules about the status of candidate protected areas, the Committee feels that the application of the following strategic directions could prove useful if Canada is to meet its commitment to completing its protected areas network:

- ▶ candidate sites must be identified quickly to minimize uncertainty, to clarify areas of conflict, and to minimize the period of disruption to economic activity while negotiations proceed;
- ▶ federal, provincial and territorial governments should quickly adopt and widely publicize interim protection measures that are clear, enforceable and compatible; and
- ▶ whenever possible, governments should not allocate lands to development where protected areas decisions are pending.

The Committee recognizes the need for partners and collaboration for these initiatives if Canada is to be successful in meeting its commitments in this area. While the Committee recognizes that some organizations are already active participants in such partnerships, more needs to be done. We, therefore, put forward the following recommendation.

**Recommendation #16**

**Organizations that represent the Canadian resource sector, such as the Mining Association of Canada, the Canadian Coal Association, the Canadian Forestry Association, and the Canadian Association of Petroleum Producers, should be encouraged to work with governments and conservation groups to ensure that protected areas plans, candidate sites, and interim protection measures are more clearly communicated and understood by their members and the general public.**



## CHAPTER 6: JOB CONVERSION STRATEGIES FOR PROTECTED AREAS

**THE CHALLENGE:**        **The need for new strategies to design, deliver and finance job conversion programs to maximize employment opportunities of protected areas.**

Most Canadians would agree on the need to protect some places where land remains unchanged, where visitors are transitory and their impacts are minimal. The creation and maintenance of these protected places provides benefits for all Canadians; they are an important part of our natural legacy. In the more populated areas of the country, however, communities are frequently situated near protected areas and land use conflicts related to agriculture, mining, forestry or park development may result.

Local economies and businesses often benefit significantly from the creation of a protected area. Direct employment, the purchase of goods and services to operate facilities and tourism expenditures are measurable by-products of new park creation that are well-documented in research. There are also less visible but important side effects; for example, Dr Ray Rasker of the University of Montana has documented the economic advantages for communities located adjacent to protected areas. In Canada, the desire of people to live and work in areas next to national parks, such as Canmore, Alberta and Tofino, British Columbia, and the local economic spin-offs from those choices, are clearly demonstrated by the growth of these areas.

The negative consequences that can flow from the creation of protected areas are not as well understood. The Committee was told by some presenters that the benefits of creating a protected area can be outweighed by negative economic effects. Communities and regional economies dependent on resource industry are particularly vulnerable if jobs are lost and tourism is not subsequently expanded. During the Committee's visit to Val Marie, Saskatchewan, for example, members learned that the promised regional tourism and recreation strategy, which was part of the 1988 agreement to create Grasslands National Park, has not yet been developed. This is especially troubling because the local community, which went through years of debate about the proposed park, agreed to proceed only after it was promised an economic transition strategy. More importantly, because of government inaction, opportunities have been lost to promote our only grasslands park, which some describe as Canada's Serengeti, and to develop a regional economic strategy for this part of rural Western Saskatchewan, based on the presence of the Park. We have a responsibility to seek and find workable remedies for the hardships created by public policy decisions, when these decisions affect individuals.

Traditionally, governments have addressed job conversion strategies in one of several ways. Sometimes nothing is done. Sometimes tenure rights within a proposed protected area are exchanged for similar rights on land outside the proposed protected area. In some provinces, areas are excluded from protection where there is significant potential for resource development. More recently, the federal and some provincial governments have begun to calculate the

economic impact and benefits of a new protected area by estimating the likely number of new jobs, government expenditures and tourism benefits. However, to date, there has been little cooperation between federal and provincial governments in developing timely and cost-effective economic transition strategies for protected areas.

A notable exception has been the agreement between the governments of Canada and British Columbia respecting Gwaii Haanas (South Moresby) National Park Reserve, where nearly \$120 million was allocated for an economic transition strategy. This strategy included compensation to resource industry workers and the forest products company whose logging operation had been foreclosed. It also included funds for developing park infrastructure and programs, for diversifying regional logging operations and, more generally, for assisting the economic transition from resource development to tourism in Queen Charlotte Islands communities.

In terms of planning tools, it should be noted that it is the practice of Parks Canada to negotiate impact and benefit agreements with northern native communities before a new national park is established. However, it appears no overall federal plan has been developed for implementing these agreements, nor does it appear that the practice is consistently applied.

British Columbia's experience with land use disputes is extremely valuable to the Committee. It has had a significant influence on planning, policy and practices in that province and offers a constructive model. When the Committee visited British Columbia it learned that fear of negative economic impacts had caused resource-based communities to resist the creation of new national or provincial parks in the province. Moreover, there had been considerable resistance by such communities to the regional land use planning process coordinated by British Columbia's Commission the Resources and the Environment (CORE).

As a result, it became evident that the funding of economic transition strategies must be an integral part of regional land use plans, including those incorporating protected areas. To meet this concern, British Columbia adopted as an overarching principle for its Protected Areas Strategy that environmental, social and economic implications must be evaluated before decisions can be made to protect an area.

What may be most useful to other jurisdictions, and merit further study, are working models of multiple accounts analysis developed by British Columbia. This methodology documents the social and economic impacts of each land and resource management option on local communities and the province as a whole. More importantly it creates an objective benchmark from which various land use options can be evaluated. The use of such data, rather than the non-quantitative and emotive criteria that sometimes dominate land use discussions, is particularly important in consultative processes that seek to resolve land use disputes.

On the basis of anecdotal information, and through the work of British Columbia in developing guidelines for social and economic impact assessment for special study areas, the Committee has concluded that no one approach offers the complete solution. However,

transparency, equity and government accountability are seen to be common elements of successful job conversion strategies.

During our visits to communities such as Pincher Creek and Cardston, Alberta, and Williams Lake, B.C., the Committee learned that the fact that needs and expectations are often unique dictates that local communities, where success or failure will be measured, must actively participate in the design of the strategy. For example, the Ts'ylos Park in Cariboo-Chilcotin did not have local support until there was an accompanying commitment for an economic transition strategy that included local residents in the decision-making.

Moreover, the Committee heard from local residents who live adjacent to parks that job conversion strategies must move away from passive support programs -- subsidized jobs for example -- and toward programs which emphasize work experience, training and the creation of real jobs. This approach requires financial and human resources. It is also necessary to address the impact of short-term jobs promptly in order to allow longer-term opportunities to develop.

While a coordinated approach between and within jurisdictions is essential to successful transition, governments alone cannot create successful job conversion strategies. More direct dialogue is needed to define problems related to each site and to develop action plans taking into account both economic and conservation interests.

The Committee suggests that governments consider the following elements when developing a job conversion strategy:

- ▶ regional level organizations should be utilized to assist in assessing local economic issues and opportunities associated with creating a new park or protected area;
- ▶ local communities should be involved in monitoring programs to ensure that goals are realistic and commitments are met; and
- ▶ mitigation measures should be put in place to assist both workers and companies impacted by proposed land use changes.

The Committee believes that creation of protected areas will be enhanced by analytical tools which help weigh economic and conservation costs and benefits (e.g. full cost accounting, natural capital valuation and socio-economic impact assessment) and supports the expanded use of these. Further, as a result of discussions held in the community of Val Marie, Saskatchewan, the Committee recommends:



**Recommendation #17**

**As a priority, the federal government should legislate the boundaries of Grasslands National Park, and begin work with Saskatchewan on a regional economic strategy to help the western part of the province take full advantages of the presence of the Park. Yearly targets should be set in order to measure progress.**

There may well be other communities in the same situation, which have not been brought to the Committee's attention. If so, we urge the federal government to look at them again in light of the above recommendation.

**Recommendation #18**

**The federal government should sponsor creation of a fund, derived from governments and industries, to offset the negative effects on employment from the creation of a protected area.**

These revenues could be used to offset the negative impacts on employment from creation of protected areas. The fund must be fully integrated with provincial programs in order to provide "one-stop-shopping" for affected communities. British Columbia offers an example of how such a fund might be financed. The B.C. government created a job strategy for areas where forestry was to be restricted. The strategy is financed through increased stumpage fees, which are exchanged for security tenure for the logging firms.

## CHAPTER 7: NATIVE PEOPLE AND PROTECTED AREAS

**THE CHALLENGE:**        **The need to involve native people in protecting ecologically significant areas. They must be an integral part of all land management discussions in areas to which they claim title.**

In 1970, the federal government set aside lands for the proposed East Arm of Great Slave Lake National Park in the Northwest Territories. The local native community of Snowdrift rejected any consideration of the proposal unless it was included in the resolution of the Band's outstanding land claim. Almost a quarter of a century later, little progress has been made on their land claim or, consequently, the park.

In 1990, the native community of Paulatuk requested Parks Canada to open negotiations on the creation of the Tukturnogait National Park in the NWT. The request was based on the need of the Inuvialuit to protect the calving grounds of the Bluenose caribou herd from industrial development. The *National Parks Act* provided the level of protection they were seeking. The community of Paulatuk also convinced a mining company to relinquish its mineral prospecting permits within the proposed park area.

The above two examples demonstrate the extremes of how native people have responded to the goal of a national network of protected areas. These examples also demonstrate that when the goals of governments and native people overlap, and where governments have directly involved native people in park negotiations, progress has been made. Indeed, with rare exceptions, it is likely that no new national park initiative will succeed without the support of native people.

There are also a number of cases where federal, provincial and territorial governments have worked with native people on joint management of protected areas. For example, in Wood Buffalo National Park, new regulations will involve native harvesters in wildlife management decisions.

Examples of conflicts between the actions of aboriginal people and the use of protected areas can also be found, however. In Manitoba, aboriginal hunters over-harvested migratory birds in a candidate site for a national park (Little Limestone Lake/Long Point). Controversy over the use of motorboats by native people in Ontario's Quetico Provincial Wilderness Park and the hunting of moose in Quebec's La Verendrye Provincial Park demonstrate that aboriginal interests and protected areas goals do not always coincide.

To ensure the positive involvement of aboriginal peoples in protected areas creation and management, suggestions made in 1989 by George Erasmus, former Chief of the Assembly of First Nations, continue to be relevant today:

- ▶ native people must be involved and have a measure of control over decisions regarding the creation, design, and management of protected areas on lands where natives have a traditional interest;
- ▶ when changing unoccupied Crown land to protected area status, the right of native people to have access to the area must be guaranteed;
- ▶ in areas where land title has not been resolved, the issues of indigenous title and self-government must be taken into account when protected areas are proposed;
- ▶ where there are existing treaties that include harvesting rights, joint management regimes should be established in which native people have a direct partnership role in protected area management;
- ▶ wildlife must not be affected by roads and other developments constructed to facilitate public access to and use of protected areas; and
- ▶ hiring practices must reflect greater acknowledgment of native contribution, experience and potential in the design and management of protected areas.

The political aspirations of native groups must be taken into account in completing a network of protected areas representing Canada's natural regions. In this regard, governments, as well as First Nations, need to recognize that significant progress can be made on protected areas through the settlement of aboriginal land claims. During the Committee hearings held in Ottawa, the Canadian Arctic Resources Committee stated that fulfilling the parks and conservation agenda remains, by and large, tied to negotiation of land claims and implementation of land claim agreements.

Clearly there is a need for better coordination between governments and native people on the choice of candidate sites. For example, landforms representative of natural regions may not have attributes that natives seek to conserve. On the other hand, where there is agreement between government and native objectives, as in the case of Ivvavik and Tuktoyaktuk National Parks, the means can be found to protect critical wildlife habitats that also sustain traditional ways of life.

On this note, another challenge is the involvement by native people in public processes regarding protected areas. Some aboriginal groups do not regard themselves as just one of many stakeholders and may seek government-to-government negotiations. This was evident during the CORE land use planning process in British Columbia; native representatives were not active participants because they regarded these discussions as seeking to make decisions about land to which they claim aboriginal title. Despite these obstacles, ways must be found to include Natives in the process of parks creation and management.

In Nova Scotia, the Committee heard of another way in which native involvement in protected areas could be enhanced. Park officials at Kejimikujik National Park noted that they would like to involve the local Micmac more frequently in their educational programs. The history of the park area is their history and they could add a valuable perspective.



## PROTECTED AREAS LAND MANAGEMENT

As stated elsewhere in this report, if Canada's network of protected areas is to be completed, governments cannot be the only owners or manager of protected lands. Yet, for the last decade, the concept of tribal parks as means to manage native lands has been discussed but not acted on. Surely there is an opportunity to create tribal parks or, more precisely, protected areas owned and operated by native people.

Government policy should continue to support native people in identifying, establishing and managing such protected areas. In land claim settlements in Yukon and NWT, several native communities have identified special management areas for protection. These areas include some of the proposed national parks. Clearly, the federal government needs to work more closely with provincial governments and claim negotiators to achieve the protected areas goal. This is especially true in regions such as northern British Columbia, Manitoba, Quebec and Labrador, where land claim negotiations are now focused. Tribal parks are one option that should be considered.

Many native communities are gaining experience with protected areas. Their knowledge can be shared with other native groups just entering the park negotiation phase. It is important for those involved in establishing protected areas to understand how to work with native people and how to incorporate traditional ecological knowledge into the park establishment process. It is also important for the native people, who may have their own economic development agenda, to recognize the value of creating and maintaining protected areas on their land.

Finally, a major issue for those working to create protected areas and for native people is the difficulty of developing relationships that are informed and culturally sensitive. Sustained, personal contact with native communities is necessary in order to establish credibility. In the past, credibility has been diminished or destroyed because of the failure of negotiators to relate effectively to native people. The Canadian Parks Ministers' Council could be a useful mechanism for networking with native organizations and helping to identify potentially contentious cultural issues.

**Recommendation #19**

**The federal government must work in a more collaborative way with native people in addressing protected areas issues of mutual concern.**

**Measures to promote this goal should include:**

- ▶ **establishment of a formal network of communication with native organizations and communities to discuss protected area issues;**
- ▶ **ensuring that federal claims negotiators work with their provincial counterparts and native organizations to facilitate creation of new protected areas;**
- ▶ **establish pilot projects to test the concept of tribal or native heritage parks.**

If native people are to become more involved in administering and managing protected areas, it will be important to ensure that they have the necessary skills to do so. It is in the interest of all concerned to develop strategies to ensure that this happens. The Committee therefore recommends:

**Recommendation #20**

**Canadian universities, community colleges, private foundations and public sector unions should examine how they can promote, support, and fund programs to assist individual native people and communities in developing the necessary skills and opportunities to administer and manage protected areas.**

## CHAPTER 8: THE NEXT STEPS

In this report, the Senate Committee on Energy, the Environment and Natural Resources has described the need for a strategic framework. The report also discusses the approaches and planning tools required to help Canadians achieve the goal of a national and representative network of protected areas. Each of these interrelated recommendations is of equal importance. Collectively they respond to the five challenge areas that the Committee believes should be addressed before significant progress can be achieved. These challenges areas, in turn, synthesize the specific concerns expressed by Canadians who participated in the Committee's site visits across the country and during our hearings in Ottawa.

The Committee recommends, as a priority, that the Government of Canada work with provincial and territorial governments to:

- ▶ develop a strategic framework for protected areas to place on the Agenda for the 1996 meeting of Ministers of Environment, Parks and Wildlife;
- ▶ incorporate the recommendations in each of the challenge areas as part of the strategic framework; and
- ▶ complete the national and representative network of protected areas in line with Canada's national and international commitments.

Looking to the future, the Committee recognizes that many of the recommendations and options presented in this report need further study. This work should be continued. The Committee is mindful of the fact that governments in Canada made a commitment to complete a network of protected areas by the year 2000; yet, Canada is a long way from achieving that goal at a time when other priorities are competing fiercely for the attention of provincial, territorial and national governments.

Many of the specific tools and techniques used to protect natural areas are not new. For example, those tools and techniques outlined in Table 1 were presented at the 1985 Canadian Assembly on Parks and Protected Areas and are consistent with the basic ideas that have emerged during the Committee's work. That in itself is significant.

What is lacking is the political will to translate commitments already made into action plans for the future. Other fundamental precursors to success include:

- ▶ effective open communication and cooperation by all levels of government, the private sector, non-government organizations, the public and the media;
- ▶ commitment for action by the highest levels of government, supported by appropriate infrastructure and resources;
- ▶ flexibility and innovation in the sourcing and use of resources, whether from the private, public or volunteer sectors; cost-effectiveness is essential, but a least-cost strategy by itself is not sufficient; and
- ▶ agreed-upon definitions and priority setting before specific tools or techniques are developed to protect natural areas.



The Committee understands that communication, cooperation and resources are often elusive in the best of economic times; nevertheless, they are indispensable in this national endeavour, given the urgent need to protect Canada's natural heritage before it vanishes. The Committee believes that the target year of 2000 for attainment of Canada's protection goals was chosen with that sense of urgency in mind; yet relatively little has been achieved since 1991. Time is running out and still only a small fraction of our physical and biological diversity is adequately protected.

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Simple purchase	Involves conveyance of all rights contained in fee simple for valuable consideration. The primary rights are the right to alienate the land and the right to everything in, on, and over the land. Can be done on a voluntary sale basis, or, in the case of public agencies, through expropriation.	All rights to land come under control of purchaser. Allows purchaser greater control over timing of acquisition. Free of major legal complications, as it is most common mechanism and is, therefore, well understood.	Cost can be prohibitive. Most expensive option. Initial acquisition cost added to by necessity to manage land. May be legal limitations on purchaser's rights due to restrictive covenants. If expropriation is used, there is usually adverse public reaction. May be substantial legal fees and delays. If purchased by public agency, the land is removed from the tax rolls, thereby reducing a municipality's tax revenue.
Bargain sale	Sale of private property to a public or private conservation agency at a price less than its fair market value. Funding in part sale and part charitable contribution.	Provides landowner with tax advantages by allowing the difference between the fair market value and the actual sale price to be deducted from income tax. Much less expensive than purchase of fee simple.	May necessitate changing land acquisition priorities depending on when landowner wishes to sell.
Purchase and sale-back	Land purchased by public or private agencies can be resold, with restrictions attached to ensure that the goal of protecting critical wildlife habitat is achieved.	Once the land has been purchased, the purchaser can place restrictions on the land to control future use of the area. By reselling the property some of the purchase costs can be defrayed.	Such land acquisitions, especially by public agencies, may generate unfavourable public reaction. Administrative process of buying and selling may be costly.

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Purchase and lease-back	<p>The purchaser leases the land back to the vendor or other persons.</p> <p>The lease is made subject to ESA (Environmentally Significant Areas) objectives.</p>	<p>Excellent interim management technique if development funds not available. The rental income can offset the purchase price.</p> <p>Maintenance work can be deferred.</p> <p>Retention of complete title rights and control of future land use is assured.</p>	<p>The opportunity for public access is limited or delayed. Administrative infrastructure and overhead work may be involved with maintaining provisions of the lease.</p>
Right of first refusal or first option to purchase	<p>This method involves a legal agreement or caution between a land owner and a person or agency, that if the land owner decides to sell the property, the other party to the agreement will be notified and will have the first option to purchase.</p>	<p>The public or private conservation agency becomes an essential party to be consulted in all transactions respecting the property against which a caution has been registered. It may be possible to have the land owner agree to manage the property to protect the natural element of concern. Can be a very inexpensive way to protect natural areas, until the owner decides to sell.</p>	<p>Not a permanent protective method and may be on an uncertain legal footing unless a final agreement is made. Once the land owner decides to sell, which could be at anytime, the conservation agency must be able to raise the necessary funds. Because there is little control over the timing, the agency may run into difficulties arranging funding.</p>



**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Lease	A rental agreement for a specified period of time, whereby the land owner grants the tenant temporary but exclusive possession of the property, in exchange for a rental payment. Exclusive possession allows the tenant absolute control over use of the property during the term of the lease.	Is much less expensive than outright acquisition but provides for same exclusive possession and use. Flexibility, in that any form of covenant may be used to fit the particular situation. May be used for short-term or long-term purposes. If there is no statutory limitation on the length of the lease, a long-term lease may be tantamount to a transfer of the fee simple. The covenant in the lease is enforceable as the lessor retains a reversionary interest. This interest could be transferred to a conservation agency.	The lease is for a fixed period of time, and thus is temporary. Special conditions may be attached to the lease. The leases of tax-exempt government land may be liable for property tax, depending on how land is used.

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Conservation easement	<p>An easement is a right enjoyed by one land owner over the land of another and is obtained for a special purpose rather than for the general use and occupation of land. Once granted, easements legally bind present and future owners. By acquiring an easement, a conservation organization is able to protect elements of natural diversity by controlling only the right that an owner could use to destroy or degrade them; that is, the rights to develop land are severed from the other rights contained in the fee simple. The severed rights are purchased from the land owner to become part of an easement agreement. The land remains in private ownership subject to the right of the easement holder to enforce restrictions in the agreement.</p>	<p>Not as costly as fee simple acquisition. Allows protection of open space while making it available to public. May allow for property tax deduction. Relatively free from restriction and is flexible enough to be tailored to specific needs. The land is removed from the development market for the duration of the easement and is thus protected.</p>	<p>They provide only partial rights concerning property. They are often confusing to land owners and other groups. They are difficult to appraise. Legal fees may approximate those for fee simple acquisition. May necessitate purchasing adjacent property because of need for dominant tenement. Difficult to enforce. Uncertain whether courts recognize conservation goals as legitimate subjects for an agreement.</p>

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Management agreement	These are contracts between land owners and conservationists (public or private) obliging the land owners to manage their property in a specific way for a stated period of time to achieve mutually understood purposes.	Low cost. Land owner may agree to manage property with only assistance or guidance from the organization involved, thereby posing less of a management burden on the agency.	Usually the agreements are for a specified period of time and, therefore, lack permanence, although it is possible for them to last anywhere from 1-99 years.
Donation	Simplest and most common method of giving land (conveyance in fee simple). It usually provides the greatest tax benefits to the donor and gives the receiving agency considerable freedom with respect to use of the land, since all rights to the property are transferred by deed or will.	Saves considerably on public funds, although may be costly to manage.	The area might not be appropriate, or of priority, for conservation purposes. Creates public pressure to develop and manage the property. Funds may not be available for development or management.
Donation or sale with reserved life estate	This mechanism operates through either a sale or donation of property with the land owners retaining the right to live on the property for their remaining lifetime and possibly for the lifetime of other family members.	Although the vendor or dependants continue to live on the property, the purchaser is ensured retention of complete title rights in due time. Reduces social impact associated with owner relocation. Provides tax benefits to owner.	Can limit the total use of the land for an indefinite period of time. Specific conditions can be written into the deed to ensure the management and protection of the special features of the property. A conservation easement may also be useful in this regard.



**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Donation of undivided interest in land	The donor gives a percentage of legal interest in the land, rather than any specific physical portion. Therefore, the land is owned commonly as a unit by all those parties who have an interest in the property. Theoretically, all owners have equal rights to possession of the property.	Very inexpensive for the recipient and provides the donor with a reduction in taxes. The donor may decide to make a donation of the entire property in a string of gifts of undivided interest.	It may be necessary also to enter into some type of management agreement to ensure the protection of the significant resources.
Donations by will	An individual can will land to an organization.	Provides tax relief to the donor if property willed for public, charitable, or religious purposes.	The terms of the will may restrict the use of the property. If possible, the recipient should review the section of the will that applies to the land, so that it can be worked out with the living donor.
Designation of public lands	Lands already owned by government can be designated by various agencies to specific conservation purposes (e.g., migratory bird sanctuaries, national parks, game preserves, etc.).	Does not require purchase of property from private land owners.	

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Dedication	<p>The placement of a natural area into a legally-established system of nature preserves, whose members are protected by strong statutory language against condemnation or conversion to a different use. Land owners can dedicate specific interests in property as well as full fee title.</p>	<p>Flexible in that specific provisions of the arrangement can be tailored to suit individual circumstances. Strongest protective tool available, if there is a nature preserves Act which contains provision for protection of dedicated purposes. Can be used on public or private land. Possibility for land owners to receive tax benefits for property dedicated.</p>	<p>Requires prior establishment of an ESA or nature preserves Act to establish a system of such areas. The protection provisions and powers to create and establish such areas can vary widely.</p>
Trust dedication	<p>Dedication as described above with one difference. A trust is created by law and administered by a designated agency. Natural areas are dedicated into the trust, rather than into a nature preserves system. Three types:</p> <ol style="list-style-type: none"> <li>1) Private</li> <li>2) Public</li> <li>3) Community</li> </ol> <p>Comments on advantages and disadvantages mainly related to public trust.</p>	<p>A donor can continue to control land use whereas, in an outright transfer, the donor loses this control. A relatively flexible legal tool because trust document can deal with almost anything. Courts will modify a charitable trust so that the charitable intent is always fulfilled. Therefore it is a secure medium for ensuring that land is protected. The trust offers the donor a wide choice in who should control and manage the property.</p>	<p>In order to pursue a coherent policy of ESA preservation, the trust agency should be involved in the design of the trust to ensure that the purposes contribute towards the satisfaction of ESA policies. A trust can be designed such that it is subject to modification or revocation by the seller. This injects a degree of uncertainty into the future of the subject property which may result in a reluctance of agencies to use the land for ESA objectives.</p>

**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Transfer of crown lands	<p>Transfer or exchange of properties within and between governments. May involve the exclusive reservation of crown lands or the transfer of surplus lands from government agencies.</p>	<p>Usually involve no outright public expenditure.</p>	<p>May be economic ramifications through loss of asset on foregone resource development potential. May create burden on recipient due to lack of financial resources for development and management. Surplus lands may not always be in desirable location or of desirable quality.</p>
Public land banking	<p>Land banks are public bodies which acquire land and keep it free from development on a short or long-term basis. Once purchased, then land can be disposed of for ESA purposes in a variety of ways. The land bank establishes initial control over the eventual use of the land. The agency could be part of a government department at any of the various levels or it could be a separate public corporation.</p>	<p>Control over type, time and locations of development.</p>	<p>Expensive and requires large initial outlay of money. Local tax revenues are reduced.</p>



**TABLE 1**  
**SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS**

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Transferable development rights	A land-use control technique designed to distribute the cost of land zoning and regulation more equitably among affected land owners. Identify certain rights to develop land, sever them from other rights contained in fee simple ownership and create a market for them.	Owners of lands having significant natural features may be relieved of the full burden of preservation zoning. Permits land-market mechanisms to remain fluid and at same time effectively preserves ESA. Adjusts the burden of government land regulation more equitably among private land owners. Minimizes costs to taxpayers by internalizing the costs of land development by charging the development industry with costs which formerly fell on the community in the form of environmental degradation. The system could shorten the time necessary for government approval of development projects. The main prerequisite for approval would be the acquisition of the necessary development rights.	Complexity of the market problem may prove overwhelming depending on the form of the scheme. Success of the system is heavily dependent on the soundness and sophistication of the planning and forecast techniques, and on integrity of government officials.
Notification	The act of informing land owners that a natural element has been identified on their property.	The land owner is not required to do anything. Very little cost involved.	Requires a good inventory to identify such areas. No legal or other powers to protect the element identified.

TABLE 1  
SUMMARY OF TECHNIQUES FOR THE ACQUISITION OF ENVIRONMENTALLY SIGNIFICANT AREAS

TECHNIQUE	DESCRIPTION	ADVANTAGES	DISADVANTAGES
Registration	Involves giving special recognition to private land owners who allow their properties to be entered on a registry or list of significant sites.	Can use to encourage land owners to volunteer to protect natural elements. Low cost recognition or incentives can be used, from a plaque or certificate, to a reduction in the assessed value of the property. As a condition of recognition, land owner may agree to manage holdings in specific way. Publicity for protection program.	Limited strength as regulatory device. Non-binding agreement and, therefore, as limited strength as a regulatory device but is ideal as a foothold or fall-back position. Permanence questionable if land owners change, without compensation a manager may not be able to meet required management standards.

- (1) Adapted from *Heritage for Tomorrow*, Canadian Assembly on National Parks and Protected Areas, 1985.  
Nelson, J.G. and S. Jessen, 1984. *Planning and Managing Environmentally Significant Areas in the Northwest Territories Issues and Alternatives*.  
Canadian Arctic Resources Committee, Ottawa and Faculty of Environmental Studies. University of Waterloo, Waterloo.

## **GLOSSARY**





## GLOSSARY

Ecosystem:	An integrated and stable association of living and non-living resources functioning and evolving within a defined physical location.
Candidate Sites:	Areas proposed as possible protected areas by government, conservation and community groups, industry and the public in general.
Stakeholders:	Groups of people who have a stake in the outcome of an issue or a decision; i.e., they will somehow affect or be affected by it. Stakeholders can be employees, business, non-government organizations, community and native organizations, etc, depending on the issue in question.
Sustainable Development:	"Development which meets the needs of the present without compromising the ability of future generations to meet their own needs" (Bruntland Commission, 1987).
Biosphere Reserve:	Biosphere reserves from a worldwide network of sites of excellence where scientists can explore and demonstrate approaches to conservation and sustainable development. There are six biosphere reserves in Canada. There are three zones to a reserve: a core area, such as a national park; a buffer zone surrounding or contiguous to the core area where activities compatible with the conservation objectives take place; and a transition area where sustainable resource management practices are promoted.
Interim Protection Measures:	Interim protection measures are legal and policy instruments which can be used to prevent the allocation of land for development while a process is underway to study or negotiate a candidate protected area site.
Natural Region:	A landscape having common climatic, vegetation, soil and biotic characteristics.
Biological Diversity:	The full range of life forms on earth.

Non-government  
organization:

A private, non-profit organization, which may be formally or informally organized, and which works primarily, but not exclusively, through volunteers to deliver services or to influence government policy. The term is not limited to environmental groups and includes national regional and community-based charities, business, professional organizations and "one-issue" groups.

Protected Area:

A terrestrial or marine site with identifiable boundaries which is managed exclusively to protect species and ecological processes.



# **APPENDIX A**



INDEX OF DOCUMENTS RECEIVED  
PRAIRIES SITES

October 1994

MONDAY, October 17, 1994

**Mr. Charlie Zinkan, Superintendent  
Heritage Canada  
Banff National Park  
Banff, Alberta**

- ▶ Banff National Park Management Plan Summary
- ▶ Canadian Parks Partnership 1993-94 Biennial Report

**Mr. Ralph Scurfield, President and CEO  
Sunshine Village Corporation  
Banff, Alberta**

- ▶ Federal Court of Canada Trial Division  
(Summary of Reasons for Decision) -- *Unofficial*  
between: Sunshine Village Corporation  
and: Superintendent of Banff National Park,  
Director of the Western Region of Parks Canada,  
The Minister of Canadian Heritage and  
Canadian Parks and Wilderness Society  
between: Canadian Parks and Wilderness Society  
and: Superintendent of Banff National Park  
Director of the Western Region of Parks Canada, Dr. Bruce  
Leeson,  
Jean Charest (in his former capacity as Minister of Environment),  
Monique Landry (Secretary of State of Canada),  
The Attorney General of Canada  
and Sunshine Village Corporation



## **Canadian Pacific**

- ▶ Banff Springs  
Canadian Pacific's Mountain Park Proposal  
Banff & Jasper National Parks  
Presentation to Senate Committee, Banff, Alberta, October 17, 1994
- ▶ Four Mountain Parks  
Five Year Plan Update  
Spring 1994
- ▶ Tourism: Principles and Strategies for the Four Mountain Parks  
Draft for discussion purposes only  
Canadian Heritage, Parks Canada, September 15, 1994
- ▶ Four Mountain Parks  
Five Year Plan Update  
Information Overview
- ▶ The Green Partnership Guide  
12 Steps to help create an environmentally friendly setting for our guests,  
ourselves and our future

## **Mike McIvor**

### **Bow Valley Naturalists**

#### **Banff, Alberta**

- ▶ Bow Valley Naturalists  
Fall 1994  
Newsletter

## **Dr. Robert Page, Chairman**

### **Banff Bow Valley Study Task Force**

#### **Banff, Alberta**

- ▶ Banff Bow Valley Study - Challenges that we face
- ▶ Banff Bow Valley Study - "The challenge for the task force, and for the full community of interests associated with Banff National Park, is to find an honourable resolution to the issues which surround the Bow Valley."  
Michel Dupuy, Minister for Canadian Heritage
- ▶ Banff Bow Valley Study -- September 15, 1994  
-- To Public Participants, Banff Bow Valley Study
- ▶ Banff Bow Valley Study Public Participation Process  
Purpose and Objectives
- ▶ Phase I -- Banff Bow Valley Study Public Participation Program  
Request for written submissions

**Mr. Harvey Locke, President**  
**Canadian Parks and Wilderness Society**  
**Calgary, Alberta**

- ▶ Alberta's Endangered Spaces
- ▶ Canadian Environmental Advisory Council  
A Protected Areas Vision for Canada

**TUESDAY, October 18, 1994**

**Waterton, Alberta**

- ▶ Trail of the Great Bear -- Adventure Directory to the Wild Rockies  
Greater Yellowstone -- Waterton/Glacier -- Canadian Rockies --  
Montana -- Alberta -- British Columbia
- ▶ Trail of the Great Bear -- International Scenic Corridor  
-- Greater Yellowstone to Banff-Jasper  
The Official Guide of the Trail of the Great Bear Society.  
Includes information on wildlife, recreational opportunities, camping, museums,  
and festivals. Written by Bruce Weide.
- ▶ The Waterton Park Community Association -- Background notes

**Pincher Creek, Alberta**

- ▶ National Parks System Plan
- ▶ Statistics Tables
- ▶ History of the Castle Wilderness  
prepared for the Castle-Crown Wilderness Coalition  
by Michael Gerrand, Ardell Harris and Dave Sheppard
- ▶ Rare and Endangered Species of the Castle Wilderness  
prepared for the Castle-Crown Wilderness Coalition  
by Michael Gerrand and Dave Sheppard
- ▶ State of the Castle Wilderness  
First Annual Report 1992  
prepared for the Castle-Crown Wilderness Coalition  
by Michael Gerrand and Dave Sheppard
- ▶ State of the Castle Wilderness  
Second Annual Report 1993  
prepared for the Castle-Crown Wilderness Coalition  
by Dave Sheppard

- ▶ Castle Wilderness Environmental Inventory Summary Report 1992  
prepared for the Castle-Crown Wilderness Coalition  
by Michael Gerrand and Dave Sheppard
- ▶ Honourable Senators, Chairperson, Fellow Ratepayers ....

### **Shoderee Ranch, Alberta**

- ▶ Letter to the Hon. Senator Pat Carney  
October 17, 1994  
Re: Concerns in Respect to Waterton Lakes National Park

### **WEDNESDAY, October 19, 1994**

#### **Mr. Larry Simpson Alberta Nature Conservancy of Canada**

- ▶ The Nature Conservancy of Canada
- ▶ The Great Plains Project

#### **U.S. National Park Service**

- ▶ Canadian Parks Service -- U.S. National Park Service  
Alberta, Montana
- ▶ Glacier -- The story behind the scenery

### **THURSDAY, October 20, 1994**

- ▶ Presentation to the Public Hearing regarding Grasslands Parks at Manhoto in  
1976 -- by Boyd Anderson, Rancher
- ▶ Frenchman River Valley Ecotour -- Grasslands National Park
- ▶ Grasslands National Park
- ▶ The Capacity for Wonder -- Preserving National Parks  
by William R. Lowry  
The Brookings Institute, Washington, D.C., June 1994



**INDEX OF DOCUMENTS RECEIVED  
BRITISH COLUMBIA**

**March 1995**

**TUESDAY, March 21, 1995**

**Office of the Premier  
Province of B.C.**

- ▶ Letter of Greetings from Premier Mike Harcourt  
Province of British Columbia
- ▶ Renewing Forests and Protecting the Environment in British Columbia
- ▶ News Release  
Tough enforcement the key to the new Forest Practices Code
- ▶ News Release  
Harcourt Launches Plan to Review B.C. Forests
- ▶ Protecting Biodiversity in British Columbia  
Backgrounder
- ▶ A Provincial Land Use Strategy for British Columbia
- ▶ Finding Common Ground: A Shared Vision For The Land
- ▶ The Cariboo-Chilcotin Land-Use Plan  
October 1994
- ▶ Doubling B.C.'s parks and protected wilderness areas.
- ▶ Cariboo-Chilcotin Land-Use Plan  
A "Made in the Cariboo" Solution
- ▶ The Vancouver Island Land-Use Plan  
Renewing Our Forests  
Securing Our Future
- ▶ Forestry in British Columbia Canada  
The Answer Book

**Williams Lakes, British Columbia**

- ▶ International Centre for Sustainable Cities  
Newsletter #2  
September 1994

- ▶ Opportunities for Achieving Sustainability in Cascadia  
Publication #1  
March 1994
- ▶ Toward Sustainable Urbanization on Mainstreet Cascadia  
Publication #3  
February 1995
- ▶ The Cariboo-Chilcotin Land-Use Plan  
Jobs Strategy
- ▶ The Cariboo-Chilcotin Land-Use Plan  
A "Made in the Cariboo" Solution
- ▶ Implementing the Cariboo-Chilcotin Land-Use Plan  
February, 1995
- ▶ Cariboo-Chilcotin Land-Use Plan  
A "Made in the Cariboo" Solution
- ▶ Cariboo-Chilcotin Land Use Plan  
Summary Report  
Commission on Resources and Environment
- ▶ Cariboo-Chilcotin Land Use Plan  
Commission on Resources and Environment
- ▶ The Cariboo-Chilcotin Land-Use Plan  
Government of British Columbia  
October 1994
- ▶ The Cariboo-Chilcotin Land-Use Plan  
90-Day Implementation Process Final Report  
Government of British Columbia  
February 1995

### **WEDNESDAY, March 22, 1995**

#### **British Columbia Parks**

- ▶ Park Management Guidelines  
Pacific Rim  
National Park Reserve  
Canadian Heritage Parks Canada  
Spring 1994
- ▶ Guiding Principles and Operational Policies  
Parks Canada  
Canadian Heritage

- ▶ Ecosystems of MacMillan Park on Vancouver Island  
Land Management Report Number 12  
ISSN 0702-9861  
March, 1992
- ▶ Master Plan for MacMillan Provincial Park  
June 1992  
Ministry of Environment, Lands and Parks

### **Cathedral Grove Provincial Park**

- ▶ Welcome to Cathedral Grove!

### **MacMillan Bloedel Limited Ucluelet, B.C.**

- ▶ MacMillan Bloedel Limited Annual Review 1994  
Closing the Gap

## **THURSDAY, May 23, 1995**

### **Tofino**

- ▶ News Release  
East Kootenay Land Use Compromise Can Work
- ▶ Clayoquot Sound Scenic Corridors Landscape Management Plan  
March 5, 1995  
Draft -- For discussion purposes only
- ▶ Model Forests  
About the Origins and Evolution of Canada  
Partners for Sustainable Development in Forestry Program,  
Plus Background on the Long Beach Model Forest Society
- ▶ A Protected Areas Strategy for British Columbia  
The protected areas component of B.C.'s Land Use Strategy  
Province of British Columbia
- ▶ Environment  
Jedidiah Park "A Virtual Certainty"  
Local/Island  
Times Colonist  
Friday, February 24, 1995



**INDEX OF DOCUMENTS RECEIVED  
NOVA SCOTIA**

**May 1995**

**TUESDAY, May 9, 1995**

**Annapolis Royal**

- ▶ Canadian Biosphere Reserves  
A living example of sustainable development  
Canadian Committee for the Unesco Programme  
of Man and the Biosphere (MAB)

**Tobeatic Wilderness Committee**

- ▶ Brief to the Senate Committee on Energy, the Environment  
and Natural Resources by the Tobeatic Wilderness Committee  
Annapolis Royal, Nova Scotia, May 9, 1995

**Digby East Fish & Game Association**

- ▶ Brief to the Senate Committee on Energy, the Environment  
and Natural Resources, May 9, 1995  
presented by: Digby East Fish & Game

**Annapolis Field Naturalists**

- ▶ Clean Annapolis River Project

**Annapolis Royal Historic Gardens**

- ▶ Annapolis Royal  
Footprints with Footnotes  
Historical Association of Annapolis Royal

- ▶ Annapolis Royal - Nova Scotia  
Established 1605  
Stroll through the Centuries
- ▶ Historic Gardens - One of Canada's finest gardens!  
Annapolis Royal, N.S.
- ▶ Historic Gardens - Annapolis Royal, Nova Scotia  
A simple statement of the meaning of the Historic Gardens was developed for us by Canadian artist, Tom Forrestall, in his graphic design that appears above:  
"The Universal hand of mankind holds within its grasp flowers representing the Native (mayflower), Acadian (iris), and English (rose) heritage of Annapolis Royal. It reaches outward to pass this heritage onto succeeding generations".

### **Ducks Unlimited Canada**

- ▶ Ducks Unlimited Canada - More than Ducks
- ▶ 1994 Update to the North American Waterfowl Management Plan  
Expanding the commitment
- ▶ A Proposed Systems Plan for Parks & Protected Areas in Nova Scotia

### **Kejimikujik National Park**

- ▶ Programme d'interprétation
- ▶ Parc national Kejimikujik
- ▶ Monitoring in National Park: Increasing Efficiency and Effectiveness  
by: Cliff Drysdale, Park Ecologist, May 5, 1995
- ▶ Coordinated Ecological Research and Monitoring Systems, The Kejimikujik Model  
Author: Clifford Drysdale, Park Ecologist, Kejimikujik National Park,  
Maitland Bridgem Annapolis County, Nova Scotia, Canada B0T 1B0  
A paper prepared for presentation at the Science and Management of Protected Areas Conference, Halifax, Nova Scotia

### **WEDNESDAY, May 10, 1995**

#### **Port Joli Basin Conservation Society**

- ▶ Port Joli Basin - Conservation, Education, Cooperation, Involvement, Learning
- ▶ Brief on Parks and Protected Areas in Nova Scotia  
A Proposed Systems Plan Presented by:  
Chamber of Mineral Resources of Nova Scotia  
Presented to: Nova Scotia Department of Natural Resources, January 4, 1995

## Miscellaneous

- ▶ A Review of Federal Migratory Bird Sanctuaries in Southwestern Nova Scotia  
Colin M. MacKinnon, Diane L. Amirault, Randy J. Hicks  
Technical Report Series No.206 - Atlantic Region 1994  
Canadian Wildlife Service - Environment Canada
- ▶ Endangered Spaces  
Half way to our deadline, But still so far to go
- ▶ Progress - Endangered Spaces Progress Report 94-95 - Number 5
- ▶ Atlantic Mining Journal  
Special Feature for the 1995 CIM Annual Meeting Halifax, N.S.



## **APPENDIX B**



**LIST OF PARTICIPANTS WHO ADDRESSED THE SENATE COMMITTEE  
ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES  
PRAIRIES SITES**

**October 16-20, 1994**

**MONDAY, October 17, 1994**

- ▶ Heritage Canada, Parks Canada  
Banff National Park  
  
Charlie Zinkan, Superintendent  
Marian Smiley, Administrative Assistant, Office of the Superintendent  
Jillian Roulet, Administrative Assistant, Office of the Superintendent
- ▶ Sunshine Village Corporation  
  
Ralph Scurfield, President and CEO  
Brian Smith, Mountain Manager  
Bill Tilman, Lawyer
- ▶ John Seigner, Chairman  
Banff-Lake Louise Tourism Bureau
- ▶ Leslie Taylor, Mayor  
Town of Banff
- ▶ Canadian Pacific Limited  
  
François Perreault, Senior Advisor  
Pat Wood, Director  
Laura Sugimoto, Director
- ▶ Mike and Diana McIvor  
Bow Valley Naturalists



- ▶ Robert Page, Chairman  
Banff Bow Valley Study Task Force
- ▶ Doug Hodgins, Executive Director, Study Secretariat  
Banff Bow Valley Study Task Force
- ▶ Harvey Locke, President  
Canadian Parks and Wilderness Society

**TUESDAY, October 18, 1994**

**Community Hall, Waterton**

- ▶ Canadian Heritage, Parks Canada  
Waterton Lakes National Park
- Merv Syroteuk, Superintendent  
Kevin Van Tighen, Assistant Superintendent
- ▶ Francis Hammell
- ▶ Josephine Meech
- ▶ Cherrie Currie
- ▶ Beth Russell-Towe
- ▶ Alan Hochstein
- ▶ Gerry Muza

**Cardston Remington Carriage Centre/Carriage House Restaurant**

- ▶ Rick West  
Biosphere Reserve, rancher and travel agent
- ▶ Howard Snyder  
Biosphere Reserve  
Remington Carriage Centre Interpreter and Tourism Officer

- ▶ George Toone  
Biosphere Reserve and Teacher
- ▶ Broyce Jacobs  
Reeve of Cardston M.D.

#### Pincher Creek

- ▶ Betty Cyr, Economic Development Board  
Windy Hollow Dairy and Custom Silage Bagging
- ▶ George Huddlestun, Reeve M.D. of Pincher Creek
- ▶ John Ellingson, Manager  
Economic Development Board  
Southwest Alberta Business Development Centre
- ▶ Dave Sheppard, Chairman  
Castle Crown Wilderness Coalition
- ▶ Malcolm "Mac" Main  
Twin Butte Grazing Association
- ▶ Clint Marr
- ▶ Ron Davis, Councilor, ID #6
- ▶ Rick Jack, Municipal Development Appeal Board Chairman and local rancher

#### Shoderee Ranch

- ▶ Cynthia and David Flundra
- ▶ David and Lucille Glaister
- ▶ Bob Jenkins
- ▶ John Russell and Valerie Haig-Brown
- ▶ Larry Frith

**WEDNESDAY, October 19, 1994**

- ▶ Pete Peterson, Assistant Superintendent  
Glacier National Park, Montana, U.S.A.
- ▶ Steve Fry, Chief Park Ranger  
Glacier National Park, Montana, U.S.A.
- ▶ Jim Tilmant, Resources Coordinator  
Glacier National Park, Montana, U.S.A.
- ▶ Larry Simpson  
Alberta Nature Conservancy of Canada

**THURSDAY, October 20, 1994**

**Val Marie, Saskatchewan**

- ▶ Heritage Canada, Parks Canada  
Grasslands National Park  
  
Jim Masyk, Superintendent  
Keith W. Foster, Chief Park Warden
- ▶ Louise Todd  
Grasslands Advisory Committee
- ▶ Norbert Cote  
Grasslands Advisory Committee
- ▶ John Palaschak - Reeve, RM of Val Marie #17



- ▶ Don Simenieck  
Grasslands Advisory Committee
- ▶ Emile Poirier  
Grasslands Advisory Committee
- ▶ Ed Gasper, Secretary-Treasurer  
R.M. of Waverly #44
- ▶ Boyd Anderson  
Grasslands Advisory Committee
- ▶ Lise Perreault  
Representing Saskatchewan Natural History Society
- ▶ Ken Lozensky  
Provincial Government - Saskatchewan Parks & Recreation  
Grasslands Advisory Committee

**LIST OF PARTICIPANTS WHO ADDRESSED THE SENATE COMMITTEE  
ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES  
BRITISH COLUMBIA**

**March 20-24, 1995**

**MONDAY, March 20, 1995**

- ▶ Alan Artibise  
Professor at UBC and Executive Director  
International Centre for Sustainable Cities

**TUESDAY, March 21, 1995**

- ▶ Alex Grzybowski  
CORE (Commission on Resources and the Environment)
- ▶ Dave Neads  
Conservationist
- ▶ Chief Roger William, Graeme McLaren  
Former Co-Chairs of Chilko Lake Study Group
- ▶ Scott Benton  
District Manager, Cariboo District  
B.C. Parks and former Co-Chair of Childo Lako Study Group

**WEDNESDAY, March 22, 1995**

- ▶ Ron Hooper  
Superintendent of the Pacific Rim National Park Reserve  
Heritage Canada, Parks Canada

- ▶ Ucluelet Municipal Chambers, Ucluelet Village Office  
 Bill Irving, Mayor, Village of Ucluelet  
 Dave Emery, President, Ucluelet Chamber of Commerce  
 Hugh Anderson, Chair, Alberni Clayoquot Regional District  
 Audrey O'Dell, Director, Area C (Long Beach)  
 Alberni Clayoquot Regional District
  
- ▶ Mike Morton, Executive Director  
 Share BC
  
- ▶ Don Dowling, Manager  
 Kennedy Lake Division  
 MacMillan Bloedel Ltd
  
- ▶ West Coast Sustainability Association  
  
 Dan Edwards, Co-Chair  
 Clifford Atleo, Co-Chair

**THURSDAY, March 23, 1995**

- ▶ Weigh West Marina, Tofino  
 Frank Van Eynde, Mayor, District of Tofino  
 Valerie Langer, President, Friends of Clayoquot Sound  
 Denis Sherwin, President, Tofino Chamber of Commerce  
 Dean Wanless, Manager, International Forest Products
  
- ▶ Nelson Keitlah, Co-Chair  
 Central Region Board  
 Nuu-Chah-Nulth Tribal Council



**LIST OF PARTICIPANTS WHO ADDRESSED THE SENATE COMMITTEE  
ON ENERGY, THE ENVIRONMENT AND NATURAL RESOURCES  
NOVA SCOTIA**

**May 8-11, 1995**

**TUESDAY, May 9, 1995**

- ▶ Elliot Orchen  
Annapolis Royal Fire Hall
- ▶ Don Rice, Chairman, Bear River, N.S.  
Tobeatic Wilderness Committee
- ▶ Hubert Vroom, President, Deep Brook, N.S.  
Digby Fish and Game Association
- ▶ John Pierce, Annapolis Royal, N.S.  
Annapolis Field Naturalists
- ▶ Ms. Trish Fay, Manager  
Annapolis Royal Historic Gardens
- ▶ Allan Glover, Maritime Manager
- ▶ William Wombaldt, Superintendent  
Kejimikujik National Park

**WEDNESDAY, May 10, 1995**

- ▶ Al Smith, Canadian Wildlife Service  
National Wildlife Area

- ▶ Dirk Van Loon, President  
Port Joli Conservation Society
  
- ▶ David Hopper  
Department of Natural Resources Member  
Whitehorse Mining Initiative
  
- ▶ Colin Stewart  
Federation of Nova Scotia Naturalists
  
- ▶ John Leduc  
Parks and Recreation Branch
  
- ▶ Christopher Clark  
Secretary & Director, Public Relations  
Bowater Mersey Paper Co.





## **APPENDIX C**



## REGIONAL DISCUSSIONS ISSUE MATRIX

Topics Location	People & Parks	Fed/Prov Land Costs	Inter- jurisdictional Issues	Job Conversion	Native Involvement	Interim Protected Measures	Resources for Acquisition
Pacific Rim	X	X		X	X	X	
Ts'yl-os Prov. Park	X			X	X	X	X
Banff	X		X				
Waterton	X		X				
Grasslands	X			X		X	X
Annapolis Royal Gardens	X					X	
Kejimikujik				X	X		
Halifax	X					X	





## **APPENDIX D**





**LIST OF WITNESSES**  
**Hearings in Ottawa**

**TUESDAY, June 20 1995**

From Mining Association of Canada:  
Mr. George Miller, President

From the Arctic National Wildlife Refuge:  
Mr. Terry Fenge, Executive Director

From Parks Canada (Heritage Canada):  
Mr. Tom Lee, Assistant Deputy Minister

From the Canadian Wildlife Service (Environment Canada):  
Mr. Dave Brackett, Director General

From the Federal-Provincial Parks Conference:  
Mr. Barry Diamond, Director

From the North American Wetlands Conservation Council:  
Mr. Ken Cox, Director General

From the Department of Finance:  
Mr. Keith Horner, Chief, Social Policy, Personal Income Tax Division,  
Tax Policy Branch

From the Island Nature Trust (P.E.I.):  
Ms. Diane Griffin, Executive Director



## **APPENDIX E**





## THE TAX TREATMENT OF DONATIONS OF ECOLOGICALLY SENSITIVE LAND

Elaboration of Remarks Made by Keith Horner  
(Department of Finance) to the  
Senate Committee on Energy, the Environment and  
Natural Resources  
on June 20, 1995

### Introduction

- . This note:
  - summarizes proposals for tax changes relating to donations of ecologically sensitive land that were made by the Task Force on Economic Instruments and Disincentives to Sound Environmental Practices in its report of November 1994;
  - provides relevant background information on the charitable donations tax credit;
  - outlines and explains the government's response in the 1995 budget to the tax recommendations of the Task Force;
  - comments on the example of the Niagara Escarpment property appended to Mr. Kenneth Cox's presentation to the Senate Committee; and
  - comments on the issue of "bargain sales" mentioned to the Senate Committee by Ms. Diane Griffin, Deputy Minister of Environmental Resources of the Government of Prince Edward Island.

### Task Force Proposals

- . The Task Force on Economic Instruments and Disincentives to Sound Environmental Practices, in its report of November 1994, recommended that the *Income Tax Act* amended to:
  - **exempt from capital gains tax** ecologically sensitive land (or conservation covenants thereon) donated to governments or charitable institutions; and

- **remove the 20-per-cent-of-net-income cap** on the charitable contributions tax credit applicable to donations of ecologically sensitive land to charitable institutions.

### **Background: Value of the Charitable Contributions Tax Credit**

- The tax deduction for charitable contributions was replaced by a two-stage tax credit under the 1988 tax reform
- The **federal** tax credit is 17% on the first \$200 of donations and 29% (the Top federal tax rate) on donations in excess of this amount.
- These credit rates translate into higher rates of tax savings when the effect on **provincial taxes** and **surtaxes** is taken into account. For a high-income donor in Ontario in 1995, for example, the effective federal-provincial tax credit rates are 31.2% on the first \$200 of donations and 53.2% on donations in excess of \$200.
- The rationale for moving to this two-stage credit was two-fold:
  - providing a low-rate credit on the first \$200 of donations increases the cost-effectiveness of the tax measure by reducing the tax cost associated with "social dues" contributions, such as small donations to churches and neighbourhood swimathons, etc., that studies have found to be very little affected by the presence of a tax subsidy; and
  - providing a credit equivalent to a "top-tax-bracket deduction" for donations in excess of \$200 both encourages larger donations and increases fairness by providing the same tax break for donors at all income levels.
- The charitable donation tax credit is more generous than most other tax credits -- e.g., the age, pension income, medical expenses, disability, tuition fee and education tax credits -- which are calculated at the basic federal rate of 17%. When provincial taxes and surtaxes are taken into account, these credits provide a subsidy in the range of 27% to 31% of the amount claimed.
- For large donations of cash by higher-income earners, the credit effectively exempts the amount of earnings donated from income tax. Thus, the government and the donor each give up about 50 cents in revenue for each dollar donated. This 50/50 partnership in supporting the charity seems appropriate. It strikes a balance between the goal of encouraging donations and the need to avoid undue tax costs and incentives for abuse of the rules.

- Donations to charitable institutions are subject to a 20%-of-net-income limit on the value of the credit that may be claimed in a year. However, unclaimed donation amounts may be claimed in a year. However, unclaimed donation amounts may be carried forward to up to 5 years. This limit, which does not apply to donations to the crown, is aimed at preventing abuse (e.g., donations to a charity which provides personal benefits to the donor). While the limit has little effect on most charitable donations, it can affect the attractiveness of very large donations such as donations of land.

## **The Government's Response to the Task Force Recommendations**

### *Capital Gains Exemption*

- The government has been unable to support the task force proposal to exempt donations of ecologically sensitive land from the capital gains tax. There are two main reasons for this.
- First, this change would provide a much greater subsidy to donations of land than to donations of cash. (Cash donations are made out of income on which tax has been paid; as noted above, the effect of the credit for a high-income donor is simply to refund the tax paid on the donated income.) There is no policy rationale for providing a substantially different rate of subsidy to cash and property donations.
- Second, eliminating the taxation of capital gains for property donations would create a very costly and inefficient tax subsidy. This is illustrated in the following example.
  - A \$1,000,000 donation of land by a taxpayer gives rise to a donation tax credit of \$500,000. (This assumes that the donor has already given \$200 to a charity during the year and that the 29% federal credit translates into a total federal-provincial credit of 50%. Also, the effect of the 20%-of-income limit is ignored here but considered later.)
  - The \$1,000,000 land value includes \$800,000 of capital gains which under existing rules entails a tax liability of \$300,000 (=50% or 75% of \$800,000).
  - If a capital gains exemption were provided, the total tax subsidy would be about \$800,000 (\$500,000 plus \$300,000) and the net cost of the donation to the taxpayer would be \$200,000. In other words, for each dollar of land donated, governments (federal and provincial) would contribute 80 cents and the donor, only 20 cents.

This example shows that, if the capital gains tax were eliminated, the cost of the donation to federal and provincial governments in terms of lost tax revenue could be almost as great as the total cost of purchasing the land outright. Note that if the land would be higher (84% at \$900,000, 88% at the limit of \$1,000,000).



- It is questionable whether a subsidy rate of 80% or more is appropriate for a tax-delivered program rather than an expenditure program. Expenditure programs are subject to direct budgetary limits and the explicit setting of priorities for the allocation of limited funds. In contrast, tax subsidy measures are more passive in the way they operate. All applications that meet the eligibility requirements must be accepted. Thus, cost control and effective targeting of resources is more difficult under tax programs than expenditure programs.
- Another important factor is that eliminating the capital gains tax on donated properties would create a strong incentive for over-valuation of donated properties (as has been demonstrated in the case of cultural properties). If the value of the property in the illustration above were set at \$1,200,000 instead of \$1,000,000 for example, the value of the tax credit would increase by \$100,000 with non offsetting cost to either the donor or the charity receiving the property. Property value assessments, where there is no real market test through the existence of an actual purchaser, can be subject to wide variations. For example, the market value of a property may vary widely depending on potential changes in its use (e.g., residential vs. farm land). The difficulty in establishing fair market value adds to the seriousness of the incentives to overstate value.
- *Note on the tax treatment of cultural property.* Gifts of cultural property that are designated by the Canadian Cultural Property Export Review Board qualify for a capital gains exemption as well as the charitable contributions tax credit. The rationale for introducing such preferential tax treatment was the introduction of measures in the *Cultural Property Export and Import Act* which, in order to limit the export of nationally important cultural property, substantially restricted the market for such property. The administration of this tax provision has been subject to widely publicized difficulties relating to the valuation of donated properties.

### *20%-of-Income Limit*

- The federal budget of February 27, 1995 announced a proposal to exempt qualified donations of land, including qualified donations of covenants, servitudes and easements, from the annual limit of 20% of net income.
- Under this proposal, the donated land must be certified by the Minister of the Environment to be ecologically sensitive land, the preservation of which is important to the preservation of Canada's environmental heritage. In addition, the land must be donated to a municipality or to a registered charity whose primary purpose is the conservation and protection of Canada's environmental heritage for the benefit of all Canadians.
- The Minister of the Environment is currently consulting with provincial governments and other interested parties to develop the detailed criteria for the certification of ecologically sensitive land and the designation of qualified recipients.

## Comments on the Niagara Escarpment Property Example

- In his written presentation to the Committee, Mr. Ken Cox presented an example of a property on the Niagara Escarpment which the owner decided not to donate after examining the cost of doing so.
  - The particulars of the example are essentially the same as those set out on page 3 of these notes: property value of \$1,000,000, unrealized capital gain of \$800,000.
  - Will no exemption for capital gains on donated land, and with the 20%-of-income limit on the charitable donations credit, the donor would owe capital gains tax of \$300,000 ( $= \$50\%$  of  $75\%$  of \$800,000) while receiving a first-year credit worth \$80,000 in tax savings. Thus, it would cost the owner \$220,000 in the first year to donate the property. (Depending on his or her income, the donor would receive tax credits in subsequent years. Also, as noted by Mr. Cos, the donor could ensure a positive return in the first year by electing a lower value on the property for purposes of both the credit and the capital gains tax.)
- The results in this example are substantially different when the effects of the 1995 budget measure are taken into account.
  - Without the 20%-of-income limit, the tax savings from the charitable contribution tax credit become \$500,000 rather than \$80,000, and this benefit may be fully realized in the first year. (If the credit is more than sufficient to reduce the individual's total income tax liability in the year to zero, some part may need to be claimed in subsequent years.)
  - Consequently, the individual's net tax result is a gain of \$200,000 ( $-\$500,000 - \$300,000$  in capital gains tax) rather than a cost of \$220,000.
- Thus, the 1995 budget measure is sufficient to overcome the "cost of donating" problem raised in the example.
- It is true that the individual would be financially better off if he or she sold the property for \$1 million, but to achieve this result while donating the land would require the government to fully pay for the donated land. With the 1995 budget measure in place, the net cost to the owner of donating rather than selling the land is \$500,000 ( $=$  potential net proceeds of \$700,000 less the net gain from donating of \$200,000.) The net revenue loss to governments is also \$500,000, the value of the credit, since the governments would receive the capital gains tax no matter whether the property was sold or donated. Thus, as with a cash donation, the donor and governments would be 50/50 partners in the \$1,000,000 donation.

## Comments on Bargain Sales

- Information kindly provided by Ms. Diane Griffin indicates that a bargain sale is a transaction in which a property is partly sold and partly donated to a charity or governmental body. For example, a property valued at \$500,000 might be sold to a charity for \$300,000 with the remaining \$200,000 of value treated as a donation to the charity.
- The advantage of this kind of arrangement is that it permits the donor to place a property in the hands of a charity or governmental conservation agency even though the donor is not in a position to donate the full value of the property.
- In the U.S. where tax rules have been elaborated to explicitly accommodate such arrangements, it appears that the tax result is no different than if the property were first subdivided and then one part sold and the other donated. This is appropriate since having inconsistent tax treatment for full and partial donations would create serious problems.
- In Canada, the tax rules have not been elaborated to explicitly accommodate bargain sales. However, Revenue Canada officials note that the same goal can be achieved within the current rules by organizing the transaction slightly differently. For instance, the \$500,000 property referred to above could be sold to the charity at its fair market value, with \$200,000 of the proceeds being donated to the charity. The after-tax results of this transaction and the bargain sale would be the same for all parties.





















